



May 18, 2026

Office of Discipline Counsel
Board of Professional Responsibility
District of Columbia Court of Appeals
515 5th Street, NW,
Building A, Suite 117
Washington DC 20001

VIA ELECTRONIC MAIL: odcinfo@dcodc.org

Re: Bar complaint against Brendan T. Carr

Dear Office of Discipline Counsel:

The Legal Accountability Center is a bipartisan, nonprofit organization whose mission is to protect democracy from abuse of the legal system by holding accountable lawyers who violate their oath as attorneys to uphold the rule of law and abide by the rules of professional conduct. We write because of our concerns that Brendan Carr Esq. has violated his ethical obligations under the Rules of Professional Conduct.

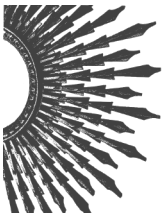
We request that the Washington D.C. Bar investigate recent actions taken by Federal Communications Commission (“FCC”) Chair Brendan T. Carr, a Washington D.C. and Maryland-licensed attorney currently serving as the Chair of the FCC. Chair Carr has engaged in ethically improper conduct by leveraging regulatory authority in a manner than appears retaliatory toward protected speech and selectively targets broadcasters who President Trump dislikes. This conduct is inconsistent with the Washington D.C. Rules of Professional Conduct governing attorneys and threatens confidence in the impartial administration of justice.

On April 23, 2026, Jimmy Kimmel delivered satirical commentary involving Donald Trump.¹ In response, the First Lady² and President Trump himself separately called for Jimmy Kimmel to be fired.³ Shortly thereafter, the FCC accelerated review of ABC Broadcast licenses owned by the

¹ Jimmy Kimmel Live!, *Jimmy Kimmel Roasts Trump & His MAGA Minions at Our Alternative White House Correspondents’ Dinner*, YouTube, April 25, 2026, available at <https://www.youtube.com/watch?v=GRjKhsJc95o> (describing First Lady Melania Trump as having “a glow like an expectant widow.”).

² See @FLOTUS, X, April 27, 2026 available at <https://x.com/FLOTUS/status/2048769128513585618> (calling Kimmel’s speech “hateful and violent rhetoric [that] is intended to divide our country.”).

³ See @realDonaldTrump, Truth Social, April 27, 2026, available at



Walt Disney Company.⁴ Disney’s broadcast licenses were not to scheduled to be reviewed until October 2028.⁵ The FCC Order targets Disney, ABC, and eight named ABC licensees. The Order states that the agency had been investigating Disney’s ABC stations for possible violations of the Communications Act and FCC rules, including “unlawful discrimination” related to diversity, equity, and inclusion practices, and directed Disney’s ABC stations to file early license renewals for all listed licensed TV stations by May 28, 2026.⁶ The National Association of Broadcasters (“NAB”) calls this a “nearly unprecedented request.”⁷

This sequence—protected speech, political backlash, regulatory action—constitutes a classic indicator of viewpoint-based regulatory retaliation. But this incident is only the latest chapter of coercion by the FCC that has continued for over a year as Carr has used the authority of his office not merely to regulate, but to impermissibly use his responsibility to selectively enforce and selectively administer the Communications Act of 1934. Rather than functioning as a neutral regulator, Carr has repeatedly used the FCC as a bully pulpit, projecting pressure and signaling blind allegiance to Donald Trump at the expense of his professional ethical obligations. The FCC is operating within a regulatory environment in which media companies appear to face a de facto

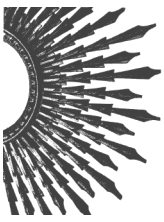
<https://truthsocial.com/@realDonaldTrump/posts/116477838570626860> (“Wow, Jimmy Kimmel, who is in no way funny as attested to by his terrible Television Ratings, made a statement on his Show that is really shocking. He showed a fake video of the First Lady, Melania, and our son, Barron, like they were actually sitting in his studio, listening to him speak, which they weren’t, and never would be. He then stated, “Our First Lady, Melania, is here. Look at Melania, so beautiful. Mrs. Trump, you have a glow like an expectant widow.” A day later a lunatic tried entering the ballroom of the White House Correspondents Dinner, loaded up with a shotgun, handgun, and many knives. He was there for a very obvious and sinister reason. I appreciate that so many people are incensed by Kimmel’s despicable call to violence, and normally would not be responsive to anything that he said but, this is something far beyond the pale. Jimmy Kimmel should be immediately fired by Disney and ABC. Thank you for your attention to this matter! President DONALD J. TRUMP.”).

⁴ David Shepardson, *Broadcast group says FCC Disney license review creates significant uncertainty*, Reuters, April 29, 2026, available at <https://www.reuters.com/business/media-telecom/broadcast-group-says-fcc-disney-license-review-creates-significant-uncertainty-2026-0429/#:~:text=Disney's%20broadcast%20licenses%20were%20not,an%20early%20license%20%E2%81%A0review.>

⁵ *Id.*

⁶ In the Matter of The Walt Disney Company, American Broadcasting Company, et al, April 28, 2026 Order DA 26-416, available at <https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf>

⁷ First Disney, Now Carr Warns Radio Broadcaster Could Face Early License Review, April 30, 2026, Inside Radio, available at https://www.insideradio.com/free/first-disney-now-carr-warns-radio-broadcaster-could-face-early-license-review/article_c27a7b85-2c94-43f0-a902-e1c5ee6c4385.html



“pay-to-play” dynamic: compliance with political expectations reduces regulatory friction while political noncompliance invites scrutiny, and active investigation.

Take for instance, the proposed Skydance and Paramount merger that was stalling out while awaiting FCC approval.⁸ Donald Trump had filed a lawsuit against CBS News over a ‘60 Minutes’ interview with Kamala Harris, alleging the segment was deceptively edited. Trump sought \$20 billion in damages, while Paramount Global and CBS moved to dismiss the case on First Amendment Grounds. Brendan Carr during the course of the lawsuit stated on Fox News’ America’s Newsroom that the “60 Minutes transcript is something that is likely to arise in the context of the FCC review of that transaction.”⁹ Carr himself made the stakes known to Paramount who ultimately settled the (widely believed to be frivolous¹⁰) lawsuit for \$16 million, Trump announced that he’d received Paramount’s payment on July 22nd,¹¹ and the FCC approved the merger just two days later.¹²

Again, the sequence is suspect—FCC’s failure to approve Paramount’s proposed merger, Carr’s announcement that the ‘60 Minutes’ lawsuit was “likely to arise” in reviewing the merger, settlement by Paramount followed by approval by the FCC—which, at best constitutes a classic indicator of impermissible regulatory coercion and pretextual decision-making. At worst, it constitutes Carr’s use of government resources to enact a bribe to the President to settle a frivolous suit.

Such a pay-to-play scheme, and the resulting First Amendment violations, implicate multiple ethical rules: Rule 8.4(c), prohibiting dishonesty, fraud, deceit, and misrepresentation; Rule 8.4(d), prohibiting conduct that seriously interferes with the administration of justice; Rule

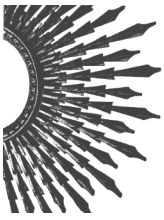
⁸ Todd Spangler, *Skydance-Paramount Merger Agreement, Which Is Still Pending FCC Approval, Extended for 90 Days*, Variety, April 7, 2025 available at <https://variety.com/2025/biz/news/skydance-paramount-merger-extension-fcc-approval-1236362262/>

⁹ Ted Johnson, *Incoming FCC Chairman Brendan Carr Says ‘60 Minutes’ Complaint ‘Likely to Arise’ As Part of Agency Review of Skydance-Paramount Merger*, Deadline, November 19, 2024 available at <https://deadline.com/2024/11/fcc-brendan-carr-60-minutes-cbs-paramount-1236181250/>

¹⁰ Brian Stelter, *Trump Spent 90 minutes with ‘60 Minutes’ – here’s what happened*, CNN, November 2, 2025, available at <https://www.cnn.com/2025/11/02/media/trump-cbs-60-minutes-norah-odonnell-ellison-bari-weiss> (“Most experts deemed the lawsuit frivolous.”).

¹¹ Shepardson, *Supra* note 4.

¹² Joseph A. Wulfsohn, Brian Flood, *FCC approves Paramount-Skydance merger following Trump settlement, Colbert cancellation*, Fox News, July 24, 2025, available at <https://www.foxnews.com/media/fcc-approves-paramount-skydance-merger-following-trump-settlement-colbert-cancellation>



8.4(e), forbidding statements that suggest an ability to improperly influence a government agency or official; and perhaps even Rule 1.1, which requires competence.¹³

ADDITIONAL BACKGROUND

Carr, in his role as Chair of the FCC, exercises regulatory authority over broadcast licensees. In September 2025, he took issue with remarks made by Jimmy Kimmel about the killing of conservative activist Charlie Kirk. Chair Carr used his position to pressure ABC/Disney to fire Mr. Kimmel, explicitly invoking his role as FCC Chair and suggesting adverse regulatory consequences for ABC should it fail to act. In an interview with political commentator Benny Johnson, Chair Carr said: “This is a very, very serious issue right now for Disney....[Disney has] a license granted by us at the FCC, and that comes with an obligation to operate in the public interest.... We can do this the easy way or the hard way.”¹⁴

The pressure was obviously felt widely. Hours after Carr’s comments on the Benny Show, Nexstar Media Group announced that its stations affiliated with ABC would not air Kimmel’s show “for the foreseeable future” and would instead “replace the show with other programming in its ABC-affiliated markets.”¹⁵

Nexstar has more than 200 stations in 116 U.S. markets and reaches 220 million people.¹⁶ Notably, Nexstar was seeking regulatory approval from the FCC for a \$6.2 billion merger with Tegna.¹⁷ Competitor Sinclair had been involved in separate merger talks with Tegna.¹⁸ Sinclair joined in, announcing on X: “Due to problematic comments regarding the murder of Charlie Kirk in programming provided to broadcast stations by ABC, Sinclair and its partners, which

¹³ Carr knows that the FCC is prohibited from censoring licensees. He further knows that the FCC cannot target broadcasters based on speech. If he claims he was unaware that his conduct violated his ethical obligations, he has still violated the competency requirement under Rule 1.1.

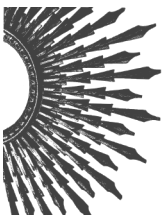
¹⁴ Benny Johnson, *The Benny Show*, Sept. 18, 2025 available at <https://www.youtube.com/watch?v=uTyX9JC-rhA>

¹⁵ Nexstar Press Release, “*Nexstar ABC Affiliates to Preempt ‘Jimmy Kimmel Live!’ Indefinitely Beginning Tonight, Sept. 17, 2025*,” available at “<https://www.nexstar.tv/nexstar-abc-affiliates-to-preempt-jimmy-kimmel-live-indefinitely-beginning-tonight>

¹⁶ *Id.*

¹⁷ Etan Vlessing, *Nexstar Seals Merger with Tegna in \$6.2 Billion TV Mega Deal*, *Hollywood Reporter*, Aug. 19, 2025, available at <https://www.hollywoodreporter.com/business/business-news/nexstar-teгна-merger-local-tv-deal-1236347647> (“The merger deal, which requires regulatory approvals, is seen as a test for the FCC to loosen local TV station ownership rules as it gets set to rule on the Nexstar-Tegna agreement.”).

¹⁸ *Id.*



operate ABC stations in 30 markets in the U.S., will stop airing Jimmy Kimmel’s show until further notice.”¹⁹

Chair Carr responded favorably, thanking both Nexstar and Sinclair for “doing the right thing” and prioritizing “community values.”²⁰ President Trump applauded Chair Carr’s actions. Following ABC’s suspension of Kimmel’s show, Trump complained about receiving bad publicity from broadcasters. “I would think maybe their license should be taken away,” Trump said. “It will be up to Brendan Carr.”²¹

Carr’s tactics were met with great success even though they lack any basis in law.²² By continuing to threaten broadcasters that their licenses could be at risk, and by coercing ABC into dropping Kimmel’s show, Carr was obtaining outcomes he preferred—chilling speech—while warning others to fall in line. Though the FCC is an independent agency, Carr has said it was “fully aligned with the agenda that President Trump is running.”²³ Ultimately, the suspension caused widespread outrage and intense backlash, which resulted in Kimmel returning on September 23, 2025.²⁴ Carr promised that Kimmel wouldn’t be “the last shoe to drop.”²⁵

¹⁹ @weareSinclair, X, September 17, 2025, available at <https://x.com/WeAreSinclair/status/1968447366710604275>

²⁰ @BrendanCarrFCC, X, Sept. 17, 2025, available at <https://x.com/BrendanCarrFCC/status/1968449919221416427> (“want to thank Nexstar for doing the right thing....While this may be an unprecedented decision, it is important for broadcasters to push back on Disney programming that they determine falls short of community values.”); @BrendanCarrFCC, X, Sept. 17, 2025, available at <https://x.com/BrendanCarrFCC/status/1968517933073617248> (“Thank you to Sinclair for taking quick action that you consider responsive to the needs and values of the local communities you serve.”).

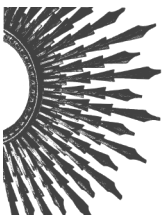
²¹ Dawn Chmielewski and Danielle Broadway, *Trump Applauds Jimmy Kimmel Suspension and Seeks to Punish Critical Broadcasters*, Reuters, Sept. 19, 2025, available at <https://www.reuters.com/business/media-telecom/hollywood-comes-kimmels-defense-after-abc-pulls-late-night-show-2025-09-18/>

²² 47 U.S.C. § 326 (“Nothing in this chapter shall be understood or construed to give the Commission the power of censorship...and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech...”).

²³ Maggie Stevens, *Brendan Carr Channeling Trump’s Showman Instincts to Overhaul FCC*, The Wall Street Journal, Sept. 8, 2025 available at <https://www.wsj.com/business/media/brendan-carr-fcc-chairman-3565c857>

²⁴ Mason Leib and Jack Moore, *Emotional Jimmy Kimmel Returns to Late Night*, September 23, 2025, available at <https://abcnews.com/GMA/Culture/jimmy-kimmel-returned-air-after-show-preempted/story?id=125851905>

²⁵ Brian Stelter et al., *Why Jimmy Kimmel’s show was yanked off the air*, CNN, Sept. 18, 2025 available at <https://www.cnn.com/business/live-news/jimmy-kimmel-show-pulled-abc-09-18-25>



True to Carr’s word, Kimmel wasn’t the last shoe to drop.

Nighttime talk show host Stephen Colbert claimed that the FCC, under Carr “has threatened to require late night TV talk shows to give equal time to every political candidate in a race, and it appears CBS decided to comply in advance. (Notably, Trump’s FCC has not threatened to apply the same rule to right-wing talk radio.)”²⁶ Emboldened, Carr questioned whether ABC’s *The View* should also be subject to early FCC review.²⁷ Further, Carr threatened a “news distortion” inquiry into MSNBC for its editorial coverage of the mistakenly deported Salvadoran immigrant Abrego Garcia, when MSNBC chose not to focus on the Trump Administration’s unproven claims that Abrego Garcia was a gang member.²⁸ Carr launched an investigation into a Bay Area radio station after it reported on Immigration and Customs Enforcement (“ICE”) raids in the Bay Area. Carr claimed the coverage alerted immigrants to the potential ICE actions.²⁹ Chair Carr also reinstated complaints against TV stations owned by CBS, ABC, and NBC that the FCC had previously dismissed.³⁰ Finally, Carr also launched investigations into PBS and NPR member stations, over what he claims are concerns over underwriting announcements. These efforts coincided with the Trump Administration’s attempts to defund public radio.³¹

²⁶ Ryan Grenoble and Sebastian Murdock, *FCC Chair Brendan Carr Denies Censoring Colbert Interview, Calls It A ‘Hoax’*, Feb. 18, 2026, available at https://www.huffpost.com/entry/fcc-denies-colbert-censorship-hoax_n_6995f668e4b0e6146afad644?ref=bffbhuffpost&ncid_tag=fcbklnkushpimg00000063&utm_medium=Social&utm_source=Facebook&utm_campaign=us_main

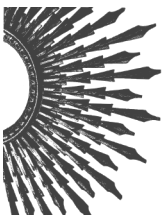
²⁷ Faith Wardwell, *FCC chair puts ‘The View’ under the spotlight after Kimmel pressure*, Politico Sept. 18, 2025, Available at <https://www.politico.com/news/2025/09/18/fcc-brendan-carr-the-view-00572178>

²⁸ Dominick Mastrangelo, *FCC chief targets Comcast-owned outlets over ‘news distortion’*, The Hill, April 17, 2025 available at <https://thehill.com/homenews/media/5253421-fcc-brendan-carr-comcast-license-abrego-garcia-case/>

²⁹ Clara Harter, *FCC Investigating San Francisco Radio Station that Shared Location of Undercover ICE agents*, Los Angeles Times, Feb. 6, 2025 available at <https://www.latimes.com/california/story/2025-02-06/fcc-investigating-san-francisco-radio-station-that-shared-location-of-undercover-ice-agents>. It should be noted that the parent company of KCBS is Audacy, the broadcasting company of which George Soros is the majority shareholder. It should also be noted that while the FCC approved of the Audacy restructuring, Carr opposed the efforts.

³⁰ Grayson Logue, *The FCC Targets Broadcasters*, The Dispatch, Feb. 25, 2025 available at <https://thedispatch.com/article/the-fcc-targets-broadcasters/> (“What is particularly concerning, [one attorney] argued, is the scrutiny is targeted at networks Trump has disagreed with, one of which he’s actively suing.”).

³¹ David Folkenflik et al., *Trump asks Congress to wipe out funding for public broadcasting*, June 3, 2025 available at <https://www.npr.org/2025/06/03/nx-s1-5418080/pbs-npr-trump-rescission-public-broadcasting>



Chair Carr knows full well that the FCC cannot prevent speech he doesn't agree with.³² In 2019 Carr stated on X "Should the government censor speech it doesn't like? Of course not. The FCC does not have a roving mandate to police speech in the name of the 'public interest.'"³³ Historically, Carr has defended satire, calling it "one of the oldest and most important forms of free speech" and cautioned against government efforts to silence views it doesn't like.³⁴ But now Carr says "if you are going to have a license with the FCC, we expect you to broadly serve the public interest."³⁵ These past statements show that Chair Carr knows the limits of FCC's authority and the protections of the First Amendment, he simply chooses to distort and disregard them to exert pressure on broadcasters to yield to his—and ultimately President Trump's—political will. Trump himself has said on X that he was "thrilled" that Carr was "looking at the licenses" of "Highly Unpatriotic 'News' Organizations."³⁶

Of course, it is a violation of the unconstitutional conditions doctrine for the government to force a person to give up their free speech rights in exchange for a FCC broadcasting license. Moreover, it is a prior restraint for the government to prohibit or restrict speech before it happens. Additionally, it is unconstitutional censorship for the government to require suppression of speech. Anna Gomez, the only Democratic commissioner at the FCC, said the early review of Disney's licenses is the "most egregious action this FCC has taken in violation of the First Amendment to date."³⁷

Carr's criticism has come not only from the democratic side of the aisle. Even Ted Cruz, one of the President's closest allies, finds this unsettling. Cruz, in his podcast *Verdict*, identified the problem with Carr's conduct, stating the following at various times:

What [Carr] said there is dangerous as hell.

We can do this the easy way or we can do this the hard way. That's right out of *Goodfellas*... That's right out of a mafioso coming into

³² 47 U.S.C. § 326.

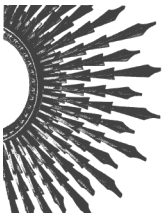
³³ @BrendanCarrFCC, X, February 14, 2019, available at https://x.com/BrendanCarrFCC/status/1096062915201953795?utm_source=substack&utm_medium=email

³⁴ Andrew Kaczynski et al., *FCC chair once called government pressure on media a 'chilling transgression of free speech.' Now, He's doing just that*, CNN, Sept. 19, 2025, available at <https://www.cnn.com/2025/09/19/politics/fcc-chair-carr-kimmel-free-speech-kfile> Accord Steven Benen, *Targeting media Content. Brendan Carr. Trump's FCC chair is haunted by his own standards*, MSNBC, Sept. 18, 2025 available at <https://www.ms.now/rachel-maddow-show/maddowblog/brendan-carr-trump-fcc-kimmel-abc-public-interest-standard-rcna232098>

³⁵ *Id.*

³⁶ Peter Weber, *The Week*, March 16, 2026, *FCC's Carr warns networks over Iran war Coverage*, available at <https://theweek.com/politics/fcc-carr-warns-networks-iran-war>

³⁷ David Shepardson, *Supra* note 4.



a bar, going, “Nice bar you have here. It’d be a shame if something happened to it.”

I think it is unbelievably dangerous for government to put itself in the position to say, we’re going to decide what speech we like and what speech we don’t and we’re going to threaten to take you off air if we don’t like what you’re saying.³⁸

RULES IMPLICATED

The D.C. Bar should investigate Chair Carr’s conduct and impose appropriate discipline related to the following potential rule violations:

A. Rule 8.4(c) – Conduct involving dishonesty, fraud, deceit, or misrepresentation

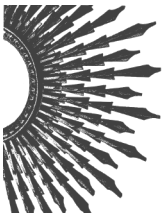
Rule 8.4(c) prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. By accelerating early license renewal against Disney broadcasters for Jimmy Kimmel’s statement about First Lady Trump and by pretextually calling the early reviews related to DEI, disciplinary counsel at least should probe whether Chair Carr has misrepresented the reason for the early review. Moreover, by claiming the “public interest” standard grants the FCC broad (politically favorable and viewpoint regulated) content regulation authority, Chair Carr continues to misrepresent the FCC’s role which ultimately chills speech with which he disagrees.

Importantly, broadcasters are subject to enforcement only if “it can be proven that they have deliberately distorted a factual news report. Expressions of opinion or errors stemming from mistakes are not actionable.”³⁹ Jimmy Kimmel is a late-night television host. He’s not a journalist. He does not report factual news. His show, Jimmy Kimmel Live! is an entertainment show, not a news show. He’s a comic whose monologue is widely known to involve satire.

The timing, context, and language surrounding Chair Carr requiring early licensing renewals for Disney raises substantial concerns about whether the action was influenced (or motivated) by Donald Trump. The stated DEI rationale—independently subject to scrutiny—warrants investigation for potential pretext. Disciplinary counsel should examine whether Carr’s statements and actions involve material misrepresentations or an improper basis for regulatory intervention.

³⁸ Verdict with Ted Cruz, Sept. 19, 2025, Episode 596, available at <https://podcasts.apple.com/us/podcast/jimmy-kimmel-fired-was-it-right-should-the-fcc-have/id1495601614?i=1000727471523>

³⁹ FCC, Broadcast News Division, FCC Website, July 18, 2024, available at <https://www.fcc.gov/broadcast-news-distortion>



The FCC does not have authority to police political speech, and the available record suggests a risk that its licensing power is being used in a coercive manner. If so, such use pressures broadcasters to adopt speech or policies favorable to particular political viewpoints, including those associated with President Trump, or face adverse regulatory consequences. Chair Carr can, of course, have his policy preferences, but he cannot wield his agency power to enforce them without putting his professional license at risk.

B. Rule 8.4(d) – Conduct that Seriously Interferes with the Administration of Justice

The administration of justice depends not only on courts, but also on lawyers in public office respecting lawful limits on government power. When a feudal regulator uses licensing authority to chill protected speech, it undermines public confidence in the neutral administration of the law. Reuters’ reporting that the NAB viewed the action as “nearly unprecedented” and that a sitting FCC commissioner characterized it as a grave first amendment breach, underscores that the interference is serious, not abstract.

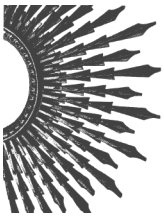
Moreover, the stated DEI rationale for initiating the early review of Disney’s licenses appears potentially pretextual. The FCC Order frames the review as addressing unlawful discrimination, yet it followed immediately on the heels of a speech controversy, invoked the Commissioner’s broad (and selective) public-interest standard, and accelerated review of licenses not due for years. As the same time, Chair Carr used explicitly coercive language, suggesting broadcasters should “fear” license revocation. These circumstances warrant investigation by disciplinary counsel into whether Chair Carr, or those acting under his authority, advanced a legal rationale that was materially misleading or pretextual.

This Complaint does not ask disciplinary counsel to adjudicate FCC policy preferences. It asks whether public servant who is an attorney misused legal process in a way that appeared designed to punish or deter protected speech, then cloaked that pressure in a different legal theory to attempt to avoid scrutiny. Thus, this conduct may also involve deceit, misrepresentation or conduct prejudicial to the administration of justice.⁴⁰

C. Rule 8.4(e) – Conduct that States or Implies An Ability to Influence Improperly A Government Agency Or Official

Rule 8.4(e) prohibits attorneys from implying an ability to improperly influence a government agency or official. Carr has implied that the FCC will carry out President Trump’s political aims and settle old scores with Kimmel, ABC, and Disney. By doing so, Carr implies an improper ability to influence Trump and vice versa.

⁴⁰ See *Supra* I(A).



Jimmy Kimmel, a longtime target of President Trump, made a satirical joke. President and First Lady Trump responded by seeking Kimmel be fired. Chair Carr then entered the fray, wielding FCC power to seek early license renewals of Kimmel’s parent company and multiple of its local stations.

This comes less than a year after Carr suggested that Trump’s 60 Minutes lawsuit would have a bearing on Paramount’s proposed merger. Thus, Carr also used the FCC’s investigative powers to help Trump prosecute his private lawsuit. By doing so, Carr implies he has the ability not only to affect the FCC merger process but implies he can have an influence on private litigation filed by the president.

It is not necessary for disciplinary counsel to prove ultimate liability at the intake stage. The issue is whether a lawyer holding federal regulatory power created the appearance, and potentially the reality, of regulatory punishment following protected speech. When a broadcaster sees the President demand a comedian’s firing and then sees the FCC Chair’s agency call in licenses ahead of schedule, (what the National Association of Broadcasters called “nearly unprecedented”), the message is unmistakable: editorial decisions will trigger regulatory consequences.

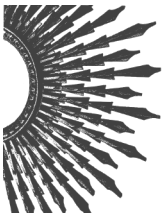
Carr statements are central to Rule 8.4(e). Carr has paired fear-inducing language with the legal power to accelerate license review and potentially seek revocation. “Broadcasters must operate in the public interest, and they will lose their licenses if they do not.”⁴¹ In ordinary language, this implies that broadcaster access to government licenses may depend on satisfying the FCC Chair’s view of acceptable conduct and viewpoint regulated broadcasting. That is improper influence by a lawyer-government official, especially where the speech at issue is political satire.

CONCLUSION

Chair Brendan Carr has said that the FCC’s actions are “fully aligned” with President Trump’s “agenda.”⁴² But Carr’s actions are not fully aligned with the Rules of Professional Responsibility. Carr appears to have breached his ethical obligations by using his position to pressure regulated broadcasters to produce speech he—and, by implication, the President—deem politically acceptable, under threat of adverse action by the FCC. Moreover, he appears to have used pretext and selective enforcement to accelerate the license renewals of Disney in response to speech by Jimmy Kimmel that he disagreed with. Such conduct implicates both legal and professional standards governing licensed attorneys.

⁴¹ @BrendanCarrFCC, X, March 14, 2026, available at <https://x.com/BrendanCarrFCC/status/2032855414233047172?lang=en>

⁴² *Supra* Note 22.



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His actions appear to undermine the First Amendment, the FCC's credibility, and the very laws he is entrusted to regulate. There are questions whether federal authority was used to influence the resolution of a private dispute. There are questions about whether Carr has misrepresented the FCC authority and wielded power selectively and only against those whose viewpoint do not align with President Trump's. Actions like Carr's pose a threat to the rule of law and the principles the Rules of Professional Conduct are intended to uphold. For these reasons, we respectfully request that the Washington D.C. Bar open a formal investigation into whether Chair Carr's conduct violates the D.C. Rules of Professional Conduct applicable to attorneys.

Sincerely,

LEGAL ACCOUNTABILITY CENTER

Michael Teter
Executive Director



May 18, 2026

Office of Bar Counsel
200 Harry S. Truman Parkway, Suite 300
Annapolis, MD 21401

Re: Bar complaint against Brendan T. Carr

Dear Office of Discipline Counsel:

The Legal Accountability Center is a bipartisan, nonprofit organization whose mission is to protect democracy from abuse of the legal system by holding accountable lawyers who violate their oath as attorneys to uphold the rule of law and abide by the rules of professional conduct. We write because of our concerns that Brendan Carr Esq. has violated his ethical obligations under the Rules of Professional Conduct.

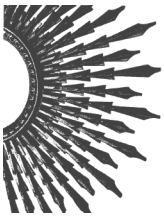
We request that the Washington D.C. Bar investigate recent actions taken by Federal Communications Commission (“FCC”) Chair Brendan T. Carr, a Washington D.C. and Maryland-licensed attorney currently serving as the Chair of the FCC. Chair Carr has engaged in ethically improper conduct by leveraging regulatory authority in a manner than appears retaliatory toward protected speech and selectively targets broadcasters who President Trump dislikes. This conduct is inconsistent with the Washington D.C. Rules of Professional Conduct governing attorneys and threatens confidence in the impartial administration of justice.

On April 23, 2026, Jimmy Kimmel delivered satirical commentary involving Donald Trump.¹ In response, the First Lady² and President Trump himself separately called for Jimmy Kimmel to be fired.³ Shortly thereafter, the FCC accelerated review of ABC Broadcast licenses owned by the

¹ Jimmy Kimmel Live!, *Jimmy Kimmel Roasts Trump & His MAGA Minions at Our Alternative White House Correspondents’ Dinner*, YouTube, April 25, 2026, available at <https://www.youtube.com/watch?v=GRjKhsJc95o> (describing First Lady Melania Trump as having “a glow like an expectant widow.”).

² See @FLOTUS, X, April 27, 2026 available at <https://x.com/FLOTUS/status/2048769128513585618> (calling Kimmel’s speech “hateful and violent rhetoric [that] is intended to divide our country.”).

³ See @realDonaldTrump, Truth Social, April 27, 2026, available at <https://truthsocial.com/@realDonaldTrump/posts/116477838570626860> (“Wow, Jimmy Kimmel, who is in no way funny as attested to by his terrible Television Ratings, made a statement on his Show that is really shocking. He showed a fake video of the First Lady, Melania, and our son, Barron, like they were actually sitting in his studio, listening to him speak, which they weren’t, and never would be. He then stated, “Our First Lady, Melania, is here. Look



Walt Disney Company.⁴ Disney’s broadcast licenses were not to scheduled to be reviewed until October 2028.⁵ The FCC Order targets Disney, ABC, and eight named ABC licensees. The Order states that the agency had been investigating Disney’s ABC stations for possible violations of the Communications Act and FCC rules, including “unlawful discrimination” related to diversity, equity, and inclusion practices, and directed Disney’s ABC stations to file early license renewals for all listed licensed TV stations by May 28, 2026.⁶ The National Association of Broadcasters (“NAB”) calls this a “nearly unprecedented request.”⁷

This sequence—protected speech, political backlash, regulatory action—constitutes a classic indicator of viewpoint-based regulatory retaliation. But this incident is only the latest chapter of coercion by the FCC that has continued for over a year as Carr has used the authority of his office not merely to regulate, but to impermissibly use his responsibility to selectively enforce and selectively administer the Communications Act of 1934. Rather than functioning as a neutral regulator, Carr has repeatedly used the FCC as a bully pulpit, projecting pressure and signaling blind allegiance to Donald Trump at the expense of his professional ethical obligations. The FCC is operating within a regulatory environment in which media companies appear to face a de facto “pay-to-play” dynamic: compliance with political expectations reduces regulatory friction while political noncompliance invites scrutiny, and active investigation.

Take for instance, the proposed Skydance and Paramount merger that was stalling out while awaiting FCC approval.⁸ Donald Trump had filed a lawsuit against CBS News over a ‘60

at Melania, so beautiful. Mrs. Trump, you have a glow like an expectant widow." A day later a lunatic tried entering the ballroom of the White House Correspondents Dinner, loaded up with a shotgun, handgun, and many knives. He was there for a very obvious and sinister reason. I appreciate that so many people are incensed by Kimmel’s despicable call to violence, and normally would not be responsive to anything that he said but, this is something far beyond the pale. Jimmy Kimmel should be immediately fired by Disney and ABC. Thank you for your attention to this matter! President DONALD J. TRUMP.”).

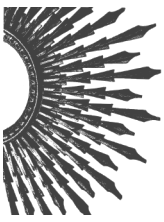
⁴ David Shepardson, *Broadcast group says FCC Disney license review creates significant uncertainty*, Reuters, April 29, 2026, available at <https://www.reuters.com/business/media-telecom/broadcast-group-says-fcc-disney-license-review-creates-significant-uncertainty-2026-0429/#:~:text=Disney's%20broadcast%20licenses%20were%20not,an%20early%20license%20%E2%81%A0review.>

⁵ *Id.*

⁶ In the Matter of The Walt Disney Company, American Broadcasting Company, et al, April 28, 2026 Order DA 26-416, available at <https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf>

⁷ First Disney, Now Carr Warns Radio Broadcaster Could Face Early License Review, April 30, 2026, Inside Radio, available at https://www.insideradio.com/free/first-disney-now-carr-warns-radio-broadcaster-could-face-early-license-review/article_c27a7b85-2c94-43f0-a902-e1c5ee6c4385.html

⁸ Todd Spangler, *Skydance-Paramount Merger Agreement, Which Is Still Pending FCC*



Minutes' interview with Kamala Harris, alleging the segment was deceptively edited. Trump sought \$20 billion in damages, while Paramount Global and CBS moved to dismiss the case on First Amendment Grounds. Brendan Carr during the course of the lawsuit stated on Fox News' America's Newsroom that the "60 Minutes transcript is something that is likely to arise in the context of the FCC review of that transaction."⁹ Carr himself made the stakes known to Paramount who ultimately settled the (widely believed to be frivolous¹⁰) lawsuit for \$16 million, Trump announced that he'd received Paramount's payment on July 22nd,¹¹ and the FCC approved the merger just two days later.¹²

Again, the sequence is suspect—FCC's failure to approve Paramount's proposed merger, Carr's announcement that the '60 Minutes' lawsuit was "likely to arise" in reviewing the merger, settlement by Paramount followed by approval by the FCC—which, at best constitutes a classic indicator of impermissible regulatory coercion and pretextual decision-making. At worst, it constitutes Carr's use of government resources to enact a bribe to the President to settle a frivolous suit.

Such a pay-to-play scheme, and the resulting First Amendment violations, implicate multiple ethical rules: Rule 8.4(c), prohibiting dishonesty, fraud, deceit, and misrepresentation; Rule 8.4(d), prohibiting conduct that seriously interferes with the administration of justice; Rule 8.4(e), forbidding statements that suggest an ability to improperly influence a government agency or official; and perhaps even Rule 1.1, which requires competence.¹³

Approval, Extended for 90 Days, Variety, April 7, 2025 available at <https://variety.com/2025/biz/news/skydance-paramount-merger-extension-fcc-approval-1236362262/>

⁹ Ted Johnson, *Incoming FCC Chairman Brendan Carr Says '60 Minutes' Complaint 'Likely to Arise' As Part of Agency Review of Skydance-Paramount Merger*, Deadline, November 19, 2024 available at <https://deadline.com/2024/11/fcc-brendan-carr-60-minutes-cbs-paramount-1236181250/>

¹⁰ Brian Stelter, *Trump Spent 90 minutes with '60 Minutes' – here's what happened*, CNN, November 2, 2025, available at <https://www.cnn.com/2025/11/02/media/trump-cbs-60-minutes-norah-odonnell-ellison-bari-weiss> ("Most experts deemed the lawsuit frivolous.").

¹¹ Shepardson, *Supra* note 4.

¹² Joseph A. Wulfsohn, Brian Flood, *FCC approves Paramount-Skydance merger following Trump settlement, Colbert cancellation*, Fox News, July 24, 2025, available at <https://www.foxnews.com/media/fcc-approves-paramount-skydance-merger-following-trump-settlement-colbert-cancellation>

¹³ Carr knows that the FCC is prohibited from censoring licensees. He further knows that the FCC cannot target broadcasters based on speech. If he claims he was unaware that his conduct violated his ethical obligations, he has still violated the competency requirement under Rule 1.1.

ADDITIONAL BACKGROUND

Carr, in his role as Chair of the FCC, exercises regulatory authority over broadcast licensees. In September 2025, he took issue with remarks made by Jimmy Kimmel about the killing of conservative activist Charlie Kirk. Chair Carr used his position to pressure ABC/Disney to fire Mr. Kimmel, explicitly invoking his role as FCC Chair and suggesting adverse regulatory consequences for ABC should it fail to act. In an interview with political commentator Benny Johnson, Chair Carr said: “This is a very, very serious issue right now for Disney....[Disney has] a license granted by us at the FCC, and that comes with an obligation to operate in the public interest.... We can do this the easy way or the hard way.”¹⁴

The pressure was obviously felt widely. Hours after Carr’s comments on the Benny Show, Nexstar Media Group announced that its stations affiliated with ABC would not air Kimmel’s show “for the foreseeable future” and would instead “replace the show with other programming in its ABC-affiliated markets.”¹⁵

Nexstar has more than 200 stations in 116 U.S. markets and reaches 220 million people.¹⁶ Notably, Nexstar was seeking regulatory approval from the FCC for a \$6.2 billion merger with Tegna.¹⁷ Competitor Sinclair had been involved in separate merger talks with Tegna.¹⁸ Sinclair joined in, announcing on X: “Due to problematic comments regarding the murder of Charlie Kirk in programming provided to broadcast stations by ABC, Sinclair and its partners, which operate ABC stations in 30 markets in the U.S., will stop airing Jimmy Kimmel’s show until further notice.”¹⁹

Chair Carr responded favorably, thanking both Nexstar and Sinclair for “doing the right thing” and prioritizing “community values.”²⁰ President Trump applauded Chair Carr’s actions.

¹⁴ Benny Johnson, *The Benny Show*, Sept. 18, 2025 available at <https://www.youtube.com/watch?v=uTyX9JC-rhA>

¹⁵ Nexstar Press Release, “*Nexstar ABC Affiliates to Preempt ‘Jimmy Kimmel Live!’ Indefinitely Beginning Tonight*, Sept. 17, 2025, available at “<https://www.nexstar.tv/nexstar-abc-affiliates-to-preempt-jimmy-kimmel-live-indefinitely-beginning-tonight>

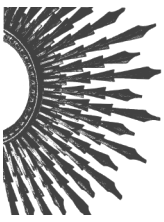
¹⁶ *Id.*

¹⁷ Etan Vlessing, *Nextstar Seals Merger with Tegna in \$6.2 Billion TV Mega Deal*, *Hollywood Reporter*, Aug. 19, 2025, available at <https://www.hollywoodreporter.com/business/business-news/nexstar-teгна-merger-local-tv-deal-1236347647> (“The merger deal, which requires regulatory approvals, is seen as a test for the FCC to loosen local TV station ownership rules as it gets set to rule on the Nexstar-Tegna agreement.”).

¹⁸ *Id.*

¹⁹ @weareSinclair, X, September 17, 2025, available at <https://x.com/WeAreSinclair/status/1968447366710604275>

²⁰ @BrendanCarrFCC, X, Sept. 17, 2025, available at



Following ABC’s suspension of Kimmel’s show, Trump complained about receiving bad publicity from broadcasters. “I would think maybe their license should be taken away,” Trump said. “It will be up to Brendan Carr.”²¹

Carr’s tactics were met with great success even though they lack any basis in law.²² By continuing to threaten broadcasters that their licenses could be at risk, and by coercing ABC into dropping Kimmel’s show, Carr was obtaining outcomes he preferred—chilling speech—while warning others to fall in line. Though the FCC is an independent agency, Carr has said it was “fully aligned with the agenda that President Trump is running.”²³ Ultimately, the suspension caused widespread outrage and intense backlash, which resulted in Kimmel returning on September 23, 2025.²⁴ Carr promised that Kimmel wouldn’t be “the last shoe to drop.”²⁵

True to Carr’s word, Kimmel wasn’t the last shoe to drop.

Nighttime talk show host Stephen Colbert claimed that the FCC, under Carr “has threatened to require late night TV talk shows to give equal time to every political candidate in a race, and it appears CBS decided to comply in advance. (Notably, Trump’s FCC has not threatened to apply the same rule to right-wing talk radio.)”²⁶ Emboldened, Carr questioned whether ABC’s The

<https://x.com/BrendanCarrFCC/status/1968449919221416427> (“want to thank Nexstar for doing the right thing.... While this may be an unprecedented decision, it is important for broadcasters to push back on Disney programming that they determine falls short of community values.”);

@BrendanCarrFCC, X, Sept. 17, 2025, available at

<https://x.com/BrendanCarrFCC/status/1968517933073617248> (“Thank you to Sinclair for taking quick action that you consider responsive to the needs and values of the local communities you serve.”).

²¹ Dawn Chmielewski and Danielle Broadway, *Trump Applauds Jimmy Kimmel Suspension and Seeks to Punish Critical Broadcasters*, Reuters, Sept. 19, 2025, available at <https://www.reuters.com/business/media-telecom/hollywood-comes-kimmels-defense-after-abc-pulls-late-night-show-2025-09-18/>

²² 47 U.S.C. § 326 (“Nothing in this chapter shall be understood or construed to give the Commission the power of censorship... and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech...”).

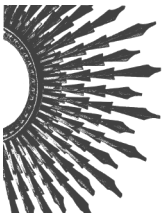
²³ Maggie Stevens, *Brendan Carr Channeling Trump’s Showman Instincts to Overhaul FCC*, The Wall Street Journal, Sept. 8, 2025 available at

<https://www.wsj.com/business/media/brendan-carr-fcc-chairman-3565c857>

²⁴ Mason Leib and Jack Moore, *Emotional Jimmy Kimmel Returns to Late Night*, September 23, 2025, available at <https://abcnews.com/GMA/Culture/jimmy-kimmel-returned-air-after-show-preempted/story?id=125851905>

²⁵ Brian Stelter et al., *Why Jimmy Kimmel’s show was yanked off the air*, CNN, Sept. 18, 2025 available at <https://www.cnn.com/business/live-news/jimmy-kimmel-show-pulled-abc-09-18-25>

²⁶ Ryan Grenoble and Sebastian Murdock, *FCC Chair Brendan Carr Denies Censoring Colbert Interview, Calls It A ‘Hoax’*, Feb. 18, 2026, available at



View should also be subject to early FCC review.²⁷ Further, Carr threatened a “news distortion” inquiry into MSNBC for its editorial coverage of the mistakenly deported Salvadoran immigrant Abrego Garcia, when MSNBC chose not to focus on the Trump Administration’s unproven claims that Abrego Garcia was a gang member.²⁸ Carr launched an investigation into a Bay Area radio station after it reported on Immigration and Customs Enforcement (“ICE”) raids in the Bay Area. Carr claimed the coverage alerted immigrants to the potential ICE actions.²⁹ Chair Carr also reinstated complaints against TV stations owned by CBS, ABC, and NBC that the FCC had previously dismissed.³⁰ Finally, Carr also launched investigations into PBS and NPR member stations, over what he claims are concerns over underwriting announcements. These efforts coincided with the Trump Administration’s attempts to defund public radio.³¹

Chair Carr knows full well that the FCC cannot prevent speech he doesn’t agree with.³² In 2019 Carr stated on X “Should the government censor speech it doesn’t like? Of course not. The FCC does not have a roving mandate to police speech in the name of the ‘public interest.’”³³ Historically, Carr has defended satire, calling it “one of the oldest and most important forms of

https://www.huffpost.com/entry/fcc-denies-colbert-censorship-hoax_n_6995f668e4b0e6146afad644?ref=bffbhuffpost&ncid_tag=fcbklnkushpimg00000063&utm_medium=Social&utm_source=Facebook&utm_campaign=us_main

²⁷ Faith Wardwell, *FCC chair puts ‘The View’ under the spotlight after Kimmel pressure*, Politico Sept. 18, 2025, Available at <https://www.politico.com/news/2025/09/18/fcc-brendan-carr-the-view-00572178>

²⁸ Dominick Mastrangelo, *FCC chief targets Comcast-owned outlets over ‘news distortion’*, The Hill, April 17, 2025 available at <https://thehill.com/homenews/media/5253421-fcc-brendan-carr-comcast-license-abrego-garcia-case/>

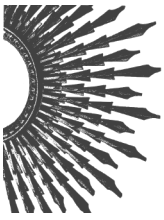
²⁹ Clara Harter, *FCC Investigating San Francisco Radio Station that Shared Location of Undercover ICE agents*, Los Angeles Times, Feb. 6, 2025 available at <https://www.latimes.com/california/story/2025-02-06/fcc-investigating-san-francisco-radio-station-that-shared-location-of-undercover-ice-agents>. It should be noted that the parent company of KCBS is Audacy, the broadcasting company of which George Soros is the majority shareholder. It should also be noted that while the FCC approved of the Audacy restructuring, Carr opposed the efforts.

³⁰ Grayson Logue, *The FCC Targets Broadcasters*, The Dispatch, Feb. 25, 2025 available at <https://thedispatch.com/article/the-fcc-targets-broadcasters/> (“What is particularly concerning, [one attorney] argued, is the scrutiny is targeted at networks Trump has disagreed with, one of which he’s actively suing.”).

³¹ David Folkenflik et al., *Trump asks Congress to wipe out funding for public broadcasting*, June 3, 2025 available at <https://www.npr.org/2025/06/03/nx-s1-5418080/pbs-npr-trump-resciission-public-broadcasting>

³² 47 U.S.C. § 326.

³³ @BrendanCarrFCC, X, February 14, 2019, available at https://x.com/BrendanCarrFCC/status/1096062915201953795?utm_source=substack&utm_medium=email



free speech” and cautioned against government efforts to silence views it doesn’t like.³⁴ But now Carr says “if you are going to have a license with the FCC, we expect you to broadly serve the public interest.”³⁵ These past statements show that Chair Carr knows the limits of FCC’s authority and the protections of the First Amendment, he simply chooses to distort and disregard them to exert pressure on broadcasters to yield to his—and ultimately President Trump’s—political will. Trump himself has said on X that he was “thrilled” that Carr was “looking at the licenses” of “Highly Unpatriotic ‘News’ Organizations.”³⁶

Of course, it is a violation of the unconstitutional conditions doctrine for the government to force a person to give up their free speech rights in exchange for a FCC broadcasting license. Moreover, it is a prior restraint for the government to prohibit or restrict speech before it happens. Additionally, it is unconstitutional censorship for the government to require suppression of speech. Anna Gomez, the only Democratic commissioner at the FCC, said the early review of Disney’s licenses is the “most egregious action this FCC has taken in violation of the First Amendment to date.”³⁷

Carr’s criticism has come not only from the democratic side of the aisle. Even Ted Cruz, one of the President’s closest allies, finds this unsettling. Cruz, in his podcast *Verdict*, identified the problem with Carr’s conduct, stating the following at various times:

What [Carr] said there is dangerous as hell.

We can do this the easy way or we can do this the hard way. That’s right out of *Goodfellas*... That’s right out of a mafioso coming into a bar, going, “Nice bar you have here. It’d be a shame if something happened to it.”

I think it is unbelievably dangerous for government to put itself in the position to say, we’re going to decide what speech we like and what speech we don’t and we’re going to threaten to take you off air if we don’t like what you’re saying.³⁸

³⁴ Andrew Kaczynski et al., *FCC chair once called government pressure on media a ‘chilling transgression of free speech.’ Now, He’s doing just that*, CNN, Sept. 19, 2025, available at <https://www.cnn.com/2025/09/19/politics/fcc-chair-carr-kimmel-free-speech-kfile> Accord Steven Benen, *Targeting media Content. Brendan Carr. Trump’s FCC chair is haunted by his own standards*, MSNBC, Sept. 18, 2025 available at <https://www.ms.now/rachel-maddow-show/maddowblog/brendan-carr-trump-fcc-kimmel-abc-public-interest-standard-rcna232098>

³⁵ *Id.*

³⁶ Peter Weber, *The Week*, March 16, 2026, FCC’s Carr warns networks over Iran war Coverage, available at <https://theweek.com/politics/fcc-carr-warns-networks-iran-war>

³⁷ David Shepardson, *Supra* note 4.

³⁸ *Verdict* with Ted Cruz, Sept. 19, 2025, Episode 596, available at

RULES IMPLICATED

The Maryland Bar should investigate Chair Carr’s conduct and impose appropriate discipline related to the following potential rule violations:

A. Maryland Rule 19-308.4(c) – Conduct involving dishonesty, fraud, deceit, or misrepresentation

Rule 19-308.4(c) prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. By accelerating early license renewal against Disney broadcasters for Jimmy Kimmel’s statement about First Lady Trump and by pretextually calling the early reviews related to DEI, disciplinary counsel at least should probe whether Chair Carr has misrepresented the reason for the early review. Moreover, by claiming the “public interest” standard grants the FCC broad (politically favorable and viewpoint regulated) content regulation authority, Chair Carr continues to misrepresent the FCC’s role which ultimately chills speech with which he disagrees.

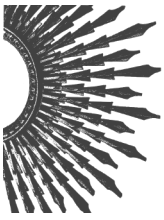
Importantly, broadcasters are subject to enforcement only if “it can be proven that they have deliberately distorted a factual news report. Expressions of opinion or errors stemming from mistakes are not actionable.”³⁹ Jimmy Kimmel is a late-night television host. He’s not a journalist. He does not report factual news. His show, Jimmy Kimmel Live! is an entertainment show, not a news show. He’s a comic whose monologue is widely known to involve satire.

The timing, context, and language surrounding Chair Carr requiring early licensing renewals for Disney raises substantial concerns about whether the action was influenced (or motivated) by Donald Trump. The stated DEI rationale—independently subject to scrutiny—warrants investigation for potential pretext. Disciplinary counsel should examine whether Carr’s statements and actions involve material misrepresentations or an improper basis for regulatory intervention.

The FCC does not have authority to police political speech, and the available record suggests a risk that its licensing power is being used in a coercive manner. If so, such use pressures broadcasters to adopt speech or policies favorable to particular political viewpoints, including those associated with President Trump, or face adverse regulatory consequences. Chair Carr can, of course, have his policy preferences, but he cannot wield his agency power to enforce them without putting his professional license at risk.

<https://podcasts.apple.com/us/podcast/jimmy-kimmel-fired-was-it-right-should-the-fcc-have/id1495601614?i=1000727471523>

³⁹ FCC, Broadcast News Division, FCC Website, July 18, 2024, available at <https://www.fcc.gov/broadcast-news-distortion>



B. Rule 19-308.4(d) – Conduct that is Prejudicial to the Administration of Justice

The administration of justice depends not only on courts, but also on lawyers in public office respecting lawful limits on government power. When a feudal regulator uses licensing authority to chill protected speech, it undermines public confidence in the neutral administration of the law. Reuters’ reporting that the NAB viewed the action as “nearly unprecedented” and that a sitting FCC commissioner characterized it as a grave first amendment breach, underscores that the interference is serious, not abstract.

Moreover, the stated DEI rationale for initiating the early review of Disney’s licenses appears potentially pretextual. The FCC Order frames the review as addressing unlawful discrimination, yet it followed immediately on the heels of a speech controversy, invoked the Commissioner’s broad (and selective) public-interest standard, and accelerated review of licenses not due for years. As the same time, Chair Carr used explicitly coercive language, suggesting broadcasters should “fear” license revocation. These circumstances warrant investigation by disciplinary counsel into whether Chair Carr, or those acting under his authority, advanced a legal rationale that was materially misleading or pretextual.

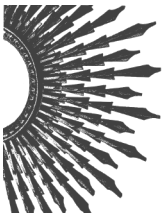
This Complaint does not ask disciplinary counsel to adjudicate FCC policy preferences. It asks whether public servant who is an attorney misused legal process in a way that appeared designed to punish or deter protected speech, then cloaked that pressure in a different legal theory to attempt to avoid scrutiny. Thus, this conduct may also involve deceit, misrepresentation or conduct prejudicial to the administration of justice.⁴⁰

C. Rule 19-308.4(f) – Conduct that States or Implies an Ability to Influence Improperly A Government Agency or Official or Achieves Results by Means that Violate the Maryland Attorneys’ Rules of Professional Conduct or other law

Rule 19-308.4(f) prohibits attorneys from implying an ability to improperly influence a government agency or official and also prescribes achieving results by means that violate the law or the Maryland Attorneys’ Rules of Professional Conduct. Carr has implied that the FCC will carry out President Trump’s political aims and settle old scores with Kimmel, ABC, and Disney. By doing so, Carr implies an improper ability to influence Trump and vice versa.

Jimmy Kimmel, a longtime target of President Trump, made a satirical joke. President and First Lady Trump responded by seeking Kimmel be fired. Chair Carr then entered the fray, wielding FCC power to seek early license renewals of Kimmel’s parent company and multiple of its local stations.

⁴⁰ See *Supra* I(A).



This comes less than a year after Carr suggested that Trump’s 60 Minutes lawsuit would have a bearing on Paramount’s proposed merger, itself a potential violation of Maryland Attorneys’ Rules of Professional Conduct. Thus, Carr also used the FCC’s investigative powers to help Trump prosecute his private lawsuit. By doing so, Carr implies he has the ability not only to affect the FCC merger process but implies he can have an influence on private litigation filed by the president.

It is not necessary for disciplinary counsel to prove ultimate liability at the intake stage. The issue is whether a lawyer holding federal regulatory power created the appearance, and potentially the reality, of regulatory punishment following protected speech. When a broadcaster sees the President demand a comedian’s firing and then sees the FCC Chair’s agency call in licenses ahead of schedule, (what the National Association of Broadcasters called “nearly unprecedented”), the message is unmistakable: editorial decisions will trigger regulatory consequences.

Carr statements are central to Rule 19-308.4(f). Carr has paired fear-inducing language with the legal power to accelerate license review and potentially seek revocation. “Broadcasters must operate in the public interest, and they will lose their licenses if they do not.”⁴¹ In ordinary language, this implies that broadcaster access to government licenses may depend on satisfying the FCC Chair’s view of acceptable conduct and viewpoint regulated broadcasting. That is improper influence by a lawyer-government official, especially where the speech at issue is political satire.

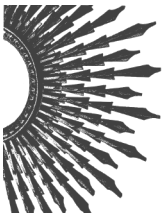
CONCLUSION

Chair Brendan Carr has said that the FCC’s actions are “fully aligned” with President Trump’s “agenda.”⁴² But Carr’s actions are not fully aligned with the Rules of Professional Responsibility. Carr appears to have breached his ethical obligations by using his position to pressure regulated broadcasters to produce speech he—and, by implication, the President—deem politically acceptable, under threat of adverse action by the FCC. Moreover, he appears to have used pretext and selective enforcement to accelerate the license renewals of Disney in response to speech by Jimmy Kimmel that he disagreed with. Such conduct implicates both legal and professional standards governing licensed attorneys.

His actions appear to undermine the First Amendment, the FCC’s credibility, and the very laws he is entrusted to regulate. There are questions whether federal authority was used to influence the resolution of a private dispute. There are questions about whether Carr has misrepresented the FCC authority and wielded power selectively and only against those whose viewpoint do not

⁴¹ @BrendanCarrFCC, X, March 14, 2026, available at <https://x.com/BrendanCarrFCC/status/2032855414233047172?lang=en>

⁴² *Supra* Note 22.



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align with President Trump's. Actions like Carr's pose a threat to the rule of law and the principles the Rules of Professional Conduct are intended to uphold. For these reasons, we respectfully request that the Washington D.C. Bar open a formal investigation into whether Chair Carr's conduct violates the D.C. Rules of Professional Conduct applicable to attorneys.

Sincerely,

LEGAL ACCOUNTABILITY CENTER

Michael Teter
Executive Director

TheDesk.net