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## Pro-Trump Lawyer Lin Wood Is a Firebrand. But Can the Bar Demand Psychiatric Evaluation?

"They're saying basically anybody who thinks this way, who advances these issues, must be mentally ill," said attorney Mark Dubois, who is not involved in the litigation. "That's really unfair."

By Cedra Mayfield | March 24, 2021



**L. Lin Wood (Photo: John Disney/ALM)**

Ordering a disciplinary hearing for an attorney accused of spreading unsupported conspiracy theories might seem logical enough.

But does requesting a mental health evaluation—and potentially linking the lawyer's license to his willingness to comply—blur the line of ethics or violate that attorney's rights?

It depends on who you ask. And what it might mean for the profession as a whole.

Pro-Trump attorney Lin Wood says he is considering **suing the State Bar of Georgia**

(<https://app.box.com/s/b3hr9ysh45axylf4pann3innan41oyz1>) after alleging members of the disciplinary board violated his rights by stipulating he undergo a mental health evaluation or face “further proceedings under Bar Rules,” including potential emergency license suspension.

“Everybody shakes their head and rolls their eyes about some of these claims,” said Mark Dubois of Geraghty & Bonnano in New London, Connecticut. “While I wouldn’t defend anything Lin Wood has done so far in this whole crazy post-election, I think he’s got a point in this federal case.”

In the draft lawsuit, Wood said the disciplinary board based its investigation on “grievances from four individuals outside the State of Georgia,” regarding lawsuits he’d filed challenging 2020 presidential election results. In his defense, Wood cited his right to exercise “free speech as a private citizen on political issues of inherent public and national concern.”

Members of the State Bar of Georgia declined to comment on the matter, citing the active disciplinary process.

But attorneys across the country weighed in on the issue.

“He’s claiming it’s a response to an attack of his exercise of his First Amendment rights, and that’s completely without merit,” said Linley Jones, principal of The Linley Jones Firm in Atlanta. “His fitness to practice law simply has to be addressed by the State Bar of Georgia, at least now that the state disciplinary board has made a determination that it should be investigated.”

Board-certified in legal practice, Jones said it was Woods’ behaviors, rather than his beliefs, which brought about the board investigation.

## ‘Right to Call Your Oath Into Question’

“From a legal ethics point of view, it seems to me that it’s a no-brainer that these attorneys all over who were clamoring for his disbarment were courageous and correct,” said Marc Garfinkle, a former attorney ethics investigator in Morristown, New Jersey. “When you say you’re going to protect the constitution of the state and of the country and you are suggesting they should prepare for an armed insurrection, I think that people have the right to call your oath into question.”

Garfinkle, whose practice is devoted exclusively to attorney ethics and discipline, said the State Bar of Georgia’s mental health evaluation request is well within reason, highlighting that it is the bar who holds Woods’ license.

“He doesn’t have a right to be a lawyer. He has a license to be a lawyer. The fact is that license and privilege are interchangeable. This license isn’t even his. The license belongs to the state and that state that he’s sworn fidelity to. He’s not trying to protect his license,” Garfinkle said. “His state bar is looking in on him to see what he’s been doing with that license and if, as an attorney sworn to protect that state and that constitution, he is suggesting activities that are unfit activities for a lawyer to be engaging in, it doesn’t have to be a crime. It’s just got to call into question his fitness to be a lawyer.”

Jones agreed.



**Linley Jones of the Linley Jones Firm. (Courtesy photo)**



**Marc Garfinkle, Law Office of Marc Garfinkle, Morristown, New Jersey. (Courtesy photo: NJ Zacker Images)**

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“Given Mr. Woods’ litigiousness, it actually did not surprise me at all that his response was to file litigation,” said Linley Jones, Principal of The Linley Jones Firm P.C. in Atlanta, Georgia. “In reading through the complaint, while it is well-drafted, I think it is without merit.”

## **ADA violation?**

Meritless? Not all attorneys agree.

“He brought the claim under the First Amendment,” said Matthew Dietz, litigation director of Disability Independence Group in Miami. “I would have brought the claim under the [Americans With Disabilities Act], saying that he’s being discriminated upon, based upon perceptions of a disability.”

While Dietz said he did not endorse Wood’s political meddlings, he agreed with the right-wing attorney’s decision to legally fight back against the bar’s mental evaluation request.



**Matthew Dietz, Disability Independence Group, Miami. (Courtesy photo)**

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“A lot of folks file baseless, frivolous litigation, and not a lot of folks are told to go get a mental examination,” Dietz said. “What usually happens in those cases is the lawyer can be sanctioned for filing frivolous litigation. What doesn’t happen in these cases is a lawyer doesn’t get dragged into a disciplinary committee and made to go through an invasive psychiatric procedure.”

## **‘Scarlet Letter’**

Connecticut’s former attorney-disciplinarian foresees a potential problem.

Dubois said that although the results of the evaluation would technically be private, should Wood opt to comply, the attorney would then need to publicly share the results to prove his mental stability.

“It’s a scarlet letter if you publicly accuse someone of having these problems,” Dubois said. “If he wants to clear his name, then he’s got to disclose private records.”

Having handled more than 1,000 lawyer disciplinary matters as the state’s first chief disciplinary counsel, Dubois said the State Bar of Georgia’s ask of Wood was “offensive” and “heavy-handed.”

“He’s got a *Hobson’s* choice,” Dubois said. “He can say, ‘No,’ and then they’re going to say, ‘Well there must be something there, so we’re going to suspend you because you didn’t cooperate.’ Or he’s got to put his mental health as a matter of public record.”

But while Georgia attorney Jones agreed the case was unusually public, she said it wasn’t because of any missteps by the state bar.



**Mark Dubois, Geraghty & Bonnano Attorneys at Law, New London, Connecticut. (Courtesy photo)**

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“Ironically in his complaint [Wood] complains about the invasions of privacy that are occurring in this process and would occur if he were subjected to a psychiatric evaluation. But he himself is the biggest source of private information about himself at this point,” Jones said. “All of these parties entitled to immunity are going to be dismissed in short order with regard to the counts of the complaint that seek money damages. They just don’t have that liability—and that’s crystal clear.”

## **Broad Implications**

Attorneys say, regardless of politics, the issue creates a slippery slope with larger implications for the profession.

“This case really goes to how the state bar can effectively address cognitive impairment and deterioration in an aging Baby Boomer attorney population,” said Jones.

But Dietz sees things differently, finding the disciplinary sanction to be more about Woods’ views than his mental capacity.

“It’s really subjective, and you really could start penalizing people for views that you don’t believe are rational and blaming it on mental illness, which you really shouldn’t do,” Dietz said. “He may be absolutely sane and have views that are extraordinarily distasteful.”

Dubois agreed.

“They’re saying basically anybody who thinks this way, who advances these issues, must be mentally ill,” he said. “I know people who support Trump, and I know people who didn’t. Do I think one is more mentally ill than the other? That’s really unfair.”