

SUPREME COURT OF FLORIDA

The Florida Bar v. Kenneth Chesebro

Chesebro · No. SC2024-1528 · Decided June 11, 2026

SUMMARY

The Supreme Court of Florida approved the referee’s finding that Kenneth Chesebro committed misconduct but replaced the recommended 30-day suspension with a public reprimand, based in part on his discharge under Georgia’s First Offender Act. The court lifted his felony suspension, reinstated him immediately, required attendance at Ethics School, and entered a \$2,229.37 cost judgment; Justice Labarga dissented, arguing that a suspension was warranted.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Carlos G. Muñoz, C.J.; Jorge Labarga, J.; Charles T. Canady, J.; John D. Couriel, J.; Jamie R. Grosshans, J.; Renatha Francis, J.; Sasso, J.; Robert J. Luck, J.
JURISDICTION	Supreme Court of Florida
DECIDED	June 11, 2026
DOCKET	SC2024-1528
DISPOSITION	other
PROCEDURAL POSTURE	Florida Bar disciplinary proceeding arising from Chesebro's Georgia guilty plea and determination of guilt; the Supreme Court of Florida reviewed the referee's recommendation and imposed its own sanction.
STANDARD OF REVIEW	The Supreme Court of Florida has ultimate responsibility for determining the appropriate disciplinary sanction.
PRECEDENTIAL VALUE	published
PARTIES	The Florida Bar v. Kenneth Chesebro

TOPICS

- election law
- federalism
- appellate procedure

PRACTICE AREAS

- legal ethics and attorney discipline
- election law
- federalism and interstate comity

QUESTIONS PRESENTED

1. Whether Chesebro's admitted conduct constituted professional misconduct warranting discipline despite the discharge and exoneration of his Georgia offense under the Georgia First Offender Act.
2. What sanction was appropriate in light of Chesebro's misconduct and his subsequent legal exoneration in Georgia.
3. Whether the referee's recommended 30-day suspension should be approved.

HOLDINGS

1. Chesebro's concession that he aided in filing a false certificate in federal court required the court to impose attorney discipline, notwithstanding his discharge and exoneration under the Georgia First Offender Act.
2. A public reprimand, together with attendance at The Florida Bar's Ethics School, was the appropriate sanction under the unique circumstances, including Chesebro's full discharge under the Georgia First Offender Act.
3. The referee's recommendation as to guilt was approved, but the recommended 30-day suspension was disapproved and replaced with a public reprimand.

KEY QUOTATIONS

"We have 'the ultimate responsibility to determine the appropriate sanction.'" (at 2)

"Accordingly, upon consideration of the Report of Referee and the briefs filed in this case, the Court approves the referee's recommendation as to guilt but disapproves the recommended discipline and instead reprimands Respondent." (at 2-3)

"The felony suspension entered on October 28, 2024, is hereby lifted, and Kenneth Chesebro is reinstated to the practice of law effective immediately." (at 3)

FACTUAL BACKGROUND

Chesebro pleaded guilty in Georgia to conspiring to file a false certificate in federal court concerning purported Georgia presidential electors. His plea was entered under Georgia's First Offender Act, and after early termination of probation he was discharged and legally exonerated, with the Georgia court declaring that he would not be considered to have ever had a criminal conviction. Chesebro did not dispute in the Florida disciplinary proceeding that he aided in filing the false certificate. The Florida Bar sought discipline, and the referee recommended a 30-day suspension.

PROCEDURAL HISTORY

Chesebro entered a guilty plea in Georgia state court to conspiracy to file false documents and was sentenced under Georgia's First Offender Act. The Florida Bar filed a Notice of Determination or Judgment of Guilt, and the matter was referred to a referee. After an evidentiary hearing, the referee recommended a finding of misconduct and a 30-day suspension. The Supreme Court of Florida approved the referee's recommendation as

to guilt but disapproved the recommended discipline, imposed a public reprimand, ordered attendance at Ethics School, lifted the felony suspension, reinstated Chesebro, and awarded costs to the Bar.

DISPOSITION

other

CASES CITED

- Fla. Bar v. Patterson, 330 So. 3d 519, 526 (Fla. 2021)
- Fla. Bar v. Barrett, 897 So. 2d 1269, 1275 (Fla. 2005)

OPINION

The Florida Bar v. Kenneth Chesebro

PER CURIAM.

Supreme Court of Florida

THURSDAY, JUNE 11, 2026

The Florida Bar, SC2024-1528 Complainant Lower Tribunal No(s): v. 2024-00,120(2A) Kenneth Chesebro, Respondent Respondent Kenneth Chesebro entered a guilty plea in Georgia state court to the felony charge of unlawfully conspiring to file a false certificate in federal district court. See O.G.C.A. § 16-10-20.1. However, because the conviction was entered pursuant to Georgia’s First Offender Act, and Chesebro’s probation was later terminated early, he was ultimately “exonerated of guilt” and now “stand[s] discharged as a matter of law.” O.G.C.A. § 42-8-60(e). Indeed, upon entering a consent order terminating probation, the Georgia trial court declared that Chesebro “shall not be considered to have ever had a criminal conviction.” This matter is unique. We have a duty to regulate the practice of law in Florida and meaningfully sanction lawyer misconduct. See art. V, § 15, Fla. Const. But we are also bound to respect the

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Page Two judgments of sister states under principles of comity. See art. IV, § 1, U.S. Const. It is alleged—and Chesebro does not here dispute—that he aided in the filing of a false certificate in federal court. That concession requires us to mete out discipline, even giving due regard to Chesebro’s exoneration under the law that governs his prosecution for that act. We have “the ultimate responsibility to determine the appropriate sanction.” Fla. Bar v. Patterson, 330 So. 3d 519, 526 (Fla. 2021) (quoting Fla. Bar v. Barrett, 897 So. 2d 1269, 1275 (Fla. 2005)). We must fashion a remedy appropriate to the unique facts of this case and, after careful deliberation, find that a reprimand is appropriate. Suspension or a more serious sanction would have been fitting had Chesebro not been exonerated under the distinct circumstance presented here; Chesebro’s full discharge under the Georgia First Offender Act, however, is a fact we do not ignore. Accordingly, upon consideration of the Report of Referee and the briefs filed in this case, the Court approves the referee’s recommendation as to guilt but disapproves the recommended

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Page Three discipline and instead reprimands Respondent. Respondent is directed to attend The Florida Bar's Ethics School under the terms and conditions set forth in the referee's report. The felony suspension entered on October 28, 2024, is hereby lifted, and Kenneth Chesebro is reinstated to the practice of law effective immediately. Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Kenneth Chesebro in the amount of \$2,229.37, for which sum let execution issue. MUÑIZ, C.J., and COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur. TANENBAUM, J., concurs in the administrative disposition but dissents from the judgment for costs. LABARGA, J., dissents with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION

AND, IF FILED, DETERMINED. LABARGA, J., dissenting. Respondent Kenneth Chesebro, a member of The Florida Bar, was indicted in Fulton County, Georgia, on multiple felony charges relating to allegations of election fraud and interference with the

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Page Four 2020 presidential election. For the purpose of this Bar disciplinary proceeding, "[i]t is alleged—and Chesebro does not here dispute— that he aided in the filing of a false certificate in federal court." Order at 2. In Georgia, Chesebro ultimately pled guilty to the crime of Conspiracy to Commit Filing False Documents as alleged in Count 15 of the indictment and was sentenced to five years of felony probation. Count 15 alleged that Chesebro and several codefendants engaged in an unlawful conspiracy "to knowingly file, enter, and record," "in a court of the United States," a slate of false electors for the State of Georgia. (Emphasis added.) Specifically, the indictment alleged that Chesebro and the codefendants certified that the signatories to the document were the "duly elected and qualified Electors for President and Vice President of the United States of America from the State of Georgia." Chesebro and the codefendants transmitted the votes to the Chief Judge of the United States District Court for the Northern District of Georgia.

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Page Five Given his guilty plea to Conspiracy to Commit Filing False Documents, The Florida Bar filed a Notice of Determination or Judgment of Guilt against Chesebro. This Court referred the matter to a referee and, after conducting an evidentiary hearing, the referee issued a report recommending that Chesebro be found guilty of misconduct justifying disciplinary measures and that he be suspended from the practice of law for 30 days. The referee's recommended sanction was within the bounds set forth by Florida Standard for Imposing Lawyer Sanctions 7.1(b), which dictates that a suspension is appropriate in cases involving deceptive conduct or statements in the following circumstances: "[W]hen a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes injury or potential injury to a client, the public, or the legal system." (Emphasis added.) Disregarding the referee's recommended sanction of a 30-day suspension, the majority has instead

issued a written public reprimand. However, a public reprimand is inconsistent with
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Page Six Standard 7.1(c), which provides that a “[p]ublic reprimand is appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.” (Emphasis added.) Because the discharge of Chesebro’s conviction pursuant to Georgia’s First Offender Act does not undo his admitted act of misconduct, I disagree with the majority’s conclusion that suspension is inappropriate. Again, as the majority’s order observes, Chesebro does not dispute that he submitted fraudulent ballot information to the Chief Judge of the United States District Court for the Northern District of Georgia. In my view, the intentional commission of fraud upon the court is one of the most egregious ethical transgressions a lawyer can commit, and such serious misconduct necessitates the imposition of severe professional sanctions. A written reprimand as issued by the majority in this case is not only inconsistent with the Florida Standards for Imposing Lawyer Sanctions but disproportionate to the severity of Chesebro’s grave ethical

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Page Seven violations, which “cause[d] injury or potential injury to . . . the public, or the legal system.” Lawyers, acting as officers of the court, are ethically bound to uphold the integrity of the judicial process. Consequently, the knowing submission of fraudulent Electoral College documentation to a federal court constitutes an intolerable breach of professional ethics. Given the magnitude of Chesebro’s ethical transgressions, I certainly would not impose a sanction that falls below the referee’s recommended sanction. I therefore respectfully dissent. A True Copy Test:
SC2024-1528 6/11/2026 SC2024-1528 6/11/2026 SO Served:

KENNETH CHESEBRO

HON. JAMES LEE MARSH

MARK LUGO MASON

PATRICIA ANN TORO SAVITZ

LAUREN MICHELLE WILLIAMS