



NORTH CAROLINA

STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

MEMORANDUM

December 10, 2024

Pursuant to G.S. § 138A-15, as Chair of the North Carolina State Board of Elections, I have the duty to further compliance with the State Government Ethics Act. Earlier today, Member Siobhan Millen requested guidance under G.S. § 138A-36(d) concerning participation *In re Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn* and provided an affidavit from her spouse, Pressley Millen. After consultation with legal counsel for the State Board of Elections, I find the following:

1. Pressley Millen is a partner in the law firm of Womble Bond Dickson, which maintains offices in eleven States with over 600 lawyers and over 170 partners. Other lawyers from Womble Bond Dickson are currently representing Justice Allison Riggs *In re Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn*.
2. Mr. Millen has taken a number of steps to ensure that he does not participate in any way with any work lawyers in his firm have done or may do before the State Board of Elections (see attached affidavit).
3. Womble Bond Dickson established an ethical screen in June 2023 to ensure that Mr. Millen does not participate in any State Board of Elections-related matter.
4. As a result of the ethical screen, Mr. Millen has been walled off from participating in the election recount and any protests involving Justice Riggs, and any other matter before the State Board of Elections. He has been prohibited from communicating with Womble Bond Dickson lawyers and staff concerning the election recount and protests.
5. Mr. Millen has expressly declined any share of any profits to Womble Bond Dickson which may arise from the work of others on the election recount and protests and has no financial interest in this proceeding.
6. Because of Mr. Millen's removal from any participation in or benefit from these matters, Member Millen's impartiality cannot reasonably be questioned due to her relationship with Mr. Millen. The steps taken by Womble Bond Dickson and Mr. Millen ensure that Mr. Millen has no connection with this matter. Therefore, Member Millen's independence of judgment is not impaired, and her participation in *In re Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn* has not been influenced.

7. Given these circumstances, it would be inappropriate for Member Millen to be removed from consideration of this matter, and Member Millen will be permitted to fully participate.

A handwritten signature in blue ink, appearing to read "Alan Hirsch", with a stylized flourish at the end.

Alan Hirsch, Chair
North Carolina State Board of Elections

AFFIDAVIT OF PRESSLY M. MILLEN

STATE OF NORTH CAROLINA)
) ss.: Raleigh
COUNTY OF WAKE)

PRESSLY M. MILLEN, being duly sworn according to law, does depose and state:

1. I am a partner in the law firm of Womble Bond Dickinson (US) LLP (“Womble Bond” or the “Firm”), and am admitted and a member in good standing of the Bar of the State of North Carolina since 9 September 1988. I am over 18 years of age and am competent to make this Affidavit which is based on my personal knowledge.

2. I have read the Motion to Disqualify Siobhan Millen filed by Counsel for Jefferson Griffin on 26 November 2024 in *In re Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn*, and am familiar with its contents. I make this Affidavit to correct the multiple factual inaccuracies and faulty premises contained in the Motion concerning me and my practice.

3. Womble Bond is a multi-jurisdictional law firm with over 600 lawyers operating from 24 offices in 11 States, including Alabama, California, Colorado, Delaware, the District of Columbia, Maryland, Massachusetts, New York, North Carolina, South Carolina, Tennessee, Texas, Virginia.

4. I am one of over 170 partners who are entitled to share in profits of the Firm to the extent that the Firm is profitable.

5. When my wife, Siobhan Millen, became a member of the North Carolina State Board of Elections (the “Board”) in 2023, I determined that I would not appear before the Board, represent any client before the Board, or otherwise participate in any Board-related matter.

6. I also arranged with the Firm's Office of the General Counsel that in the event that any other Womble Bond lawyer were to represent a client before the Board or involving the Board on any matter, an ethical screen would be erected between such representation and me. The ethical screen was established in June 2023.

7. Beginning on 29 July 2024, I was engaged to represent Justice Riggs. That representation was solely related to issues regarding advertising ("Former Matter"). None of the Former Matter issues related to the Board or touched upon matters related to the Board's authority.

8. My work concerning the Former Matter occurred before the election and I have performed no further work on that matter since 29 October 2024, one week before Election Day.

9. As I understand it, after Election Day on 5 November 2024, other lawyers in the Firm undertook to represent Justice Riggs in matters related to the election recount and any protests that might be filed ("Current Matter").

10. The Current Matter is entirely unrelated to the Former Matter, and I have in no way acted for or participated in the Current Matter. At the initiation of the Current Matter, the existing ethical screen involving the Board was updated to include the Current Matter.

11. Because of the erection of the ethical screen, I have been walled off from any participation in the Current Matter and prohibited from communicating with the lawyers involved in the Current Matter concerning that matter. Furthermore, all materials and confidential information relating to the Current Matter are maintained in a manner inaccessible to me.

12. Use of such ethical screens is permitted under the Rules of Professional Conduct, including in North Carolina, which recognizes that lawyers may be screened from potential conflicts of interest.

13. In addition to the ethical screen, I will be receiving no share of the profits arising from the Current Matter inasmuch as I am declining my share of any profits that might be received in connection with the Current Matter.

14. While it is accurate to state that I have represented various clients in politically related matters, those matters represent a financially negligible part of my overall practice, which focuses on representing business from inside and outside of North Carolina in litigation, arbitration, and other disputes. Since 1 October 2018, I have held no management or leadership roles within the Firm. In the past, my leadership roles have not included being a practice group leader within the Firm

15. In the one-year period through October 31, 2024, billings for my work on behalf of political candidates, committees, or parties (including Justice Riggs) totaled less than one-half of one percent of my total billings.

16. Based upon the foregoing account, I can state that the following factual assertions and premises in Griffin's Motion are untrue:

- a. The Motion refers to me as "the long-standing leader of Justice Rigg's [*sic*] legal team" (Mot. at 2), the "*de facto* leader of Justice Riggs' legal team" (*id.* at 4, 6), and "lead counsel for Justice Riggs" (*id.* at 5).

Fact: As stated above, I am not the "lead counsel" on the matters pending before the Board and, in fact, have provided no services to Justice Riggs on those matters and have been entirely shielded from them as a result of the ethical screen. In no way am I acting as a lawyer in the Current Matter, nor have I

represented Justice Riggs as a litigant in the Current Matter, nor have I in any respect contributed to any aspect of the preparation of the Current Matter for consideration by the Board.

- b. The Motion refers to me as the lawyer with “leadership of the Womble practice group defending Justice Riggs” (Mot. at 4), and as “the lead partner” of “the Womble practice group” (*id.* at 7).

Fact: As stated above, I am not now, nor have I ever been a practice group leader within the Firm and I have held no leadership positions within the Firm for over six years.

- c. The Motion states that I have “ownership of a partnership share at Womble” (Mot. at 2), “own[] a partnership share at Womble” (*id.* at 6, 8), and am in “possession of a partnership share in Womble” (*id.* at 7).

Fact: I do not “own” any partnership share, but am instead one of over 170 Firm lawyers spread out across the U.S. who have a contractual right to a share of the Firm’s profits.

- d. The Motion describes me as a “participant in the proceeding before the State Board” (Mot. at 4).

Fact: I have not participated in any matter before the Board since before 2023, including the Current Matter, nor have I participated in any respect in the preparation of the Current Matter for consideration by the Board.

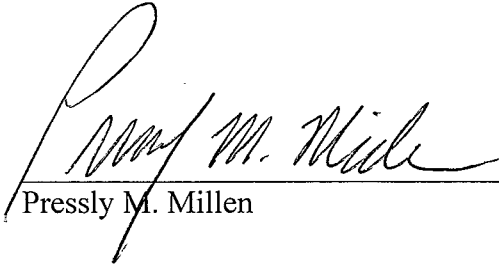
- e. The Motion contends that I have “let” two of my partners “be the face of Justice Riggs’s legal team to th[e] Board” (Mot. at 1).

Fact: Those two lawyers are entirely in charge of the Current Matter, in which, as noted above, I have not participated in any manner nor provided any input.

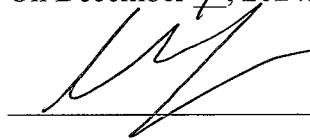
- f. The Motion contends that I have an “interest that could be substantially affected by the outcome of the proceeding” (Mot. at 8, 9), that I “will benefit financially from this election litigation,” (*id.* at 2), and that my family and I “stand[] to benefit” from the outcome of this matter (*id.* at 2, 6.).

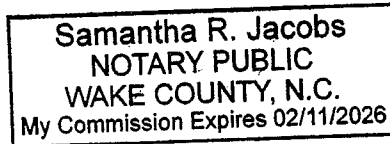
Fact: I have no financial interest in the outcome of the Current Matter nor any interest of any kind that will be substantially affected by its outcome. I will be receiving no share of the profits arising from the Current Matter.

17. In sum, the Motion, citing the Judicial Standards Commission's Formal Advisory Opinion 2015-03, states that "[i]f Mr. Millen assisted in this election dispute in any way, Ms. Millen should recuse herself." (Mot. at 9.) As indicated in detail above, I can state categorically that I have not "assisted in this election dispute in any way," nor do I have any financial interest in the matter.


Pressly M. Millen

Sworn to and subscribed before me
On December 7, 2024.





State of North Carolina
County of Wake

My commission expires: 2/11/2026