

Fulton County District Attorney Fani Willis and special prosecutor Nathan Wade are shown in 2023. Willis in a court filing acknowledged having a “personal relationship” with Wade, whom she hired for the Georgia election interference case against former President Donald Trump, but argued there are no grounds to dismiss the case or to remove her from the prosecution.

Column

What to make of Fani Willis’ office romance in Trump case

The mind knows, but the heart wants. Romantic entanglements in the office are not rare, but rarely has one had more outrage and judgment as the now-acknowledged affair between Fulton County District Attorney Fani Willis and the office’s special prosecutor on the Trump racketeering case, Nathan Wade.

After a period of speculation and legal maneuvering — both in the Racketeer Influenced and Corrupt Organizations Act case and in Wade’s divorce proceeding — the basic fact of a personal relationship is no longer a question. What remains in doubt

are the professional and personal consequences for the various participants, from Willis and Wade to her office, and to the case’s litigants.



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Willis categorically rejects the calls to recuse herself from the RICO case she brought against 19 defendants, including former President Donald Trump, for alleged crimes committed during the 2020 presidential election. Four co-defendants have pleaded guilty to charges in the case and are cooperating. Other defendants, including Trump, are seeking Willis’ removal from the case based on the personal relationship issue. The presiding judge has set a hearing about the matter for the middle of the month.

How a personal relationship between two of the prosecutors (on the same team) in a case warrants disqualification is unclear. In our contemporary culture, it should barely register on the sensational scale. A personal relationship between an elected official and a staff member is an internal headache and

an external distraction, but likely not more. That can be true even when the official is engaged in a world-watched enforcement action.

The legal insignificance doesn’t eliminate the ongoing episode as an example of extremely poor professional judgment. Mixing romance between unequal members of an office with unrelenting public scrutiny could only end in trouble, but no information exists that the content or nature of the advocacy from the district attorney’s office has been degraded or that the defendants’ rights or the expected arc of the case have suffered. Simply, personal relationships within an opponent’s organization don’t imbue the defendants with any right to interfere in the prosecutors’ lineup.

A wider view helps to put the current case fiasco in perspective.

One can easily surmise that personal liaisons occur with (at times, unwelcome) frequency in the intense, high-stress environment of a prosecutor’s office, and in myriad other work settings. The work still gets done. The most troubling part of the Willis-Wade personal relationship is that Willis is the officeholder; she is the final decision-maker as the elected district attorney. Having a personal, romantic tie to another staff member (by definition a subordinate) has the real potential to devalue the credibility — within the office and in the public’s perception — of her decisions as a leader. That might be unfair, or in the end inaccurate, but she was plainly able to predict the possibility of such harsh judgment. And as plainly capable of avoiding it.

Of course, this all is taking place within a world where one of the defendants seeking

Willis’ disqualification has been found liable for sexual assault and defamation. Does that render him unable to be a candidate or even a president? Certainly not by his own account.

That same defendant also is facing another criminal trial for allegedly paying hush money (while president) to someone with whom he had an illicit affair. And, just for completeness, the same defendant is on a recording discussing his habit of physically grabbing women in their private parts and getting away with it because he’s a celebrity.

While one person’s indiscretions don’t diminish another’s errors, the moral outrage over Willis’ actions is too convenient and selective to have any actual value in evaluating the impact of the racketeering case in Georgia.

The one unresolved issue is whether an intra-office relationship constitutes a breach of professional ethics. However, that inquiry is best left to the state bar association disciplinary process, not an adversarial criminal case. A breach of internal office ethics, even if one exists, doesn’t, or shouldn’t, inure to the benefit of charged defendants.

A personal failing isn’t the same thing as a professional disqualifier. That the issue was completely avoidable doesn’t change that conclusion.

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