

Jill: Welcome back to #SistersInLaw, with Joyce Vance, Kimberly Atkins Stohr, and me, Jill Wine-Banks. Barb isn't with us this week, but she'll be back next week, and we miss her.

We keep selling out of our Re-sis-tance T-shirts. You get that? It's re-sis, as in Sisters-in-Law, tance, resistance t-shirts. So we have ordered more. If you go to [Politicon.com/Merch](https://www.politicon.com/Merch), you can get yours now.

We have a great show planned for you today. We're going to be discussing Headspinning Week in court, with spending freezes and firings, and what does it all mean? We'll talk about the Department of Justice with Pam Bondi, our new attorney general and the interim US attorney in D.C. And what they're doing, and what it means for democracy and justice. And we'll talk about the bullseye on law firms who are suing Trump, or just representing perceived opponents of Trump. And could that be the end of our legal system?

But before we get to the serious stuff, Joyce has a new puppy, as you've probably all seen if you follow her on Instagram or anywhere else. The puppy is major, so I want to talk about puppies and experiences we've had with puppies. Joyce, start now, because you have this cute little baby.

Kim: It's so little.

Joyce: She's so cute. Her name is Elsa.

Kim: Elsa.

Joyce: She's nine weeks old. And y'all, she's the alpha dog, man. She is challenging Bella, our grown German Shepherd.

Jill: Whoa.

Joyce: She is challenging the Maine Coon cat, Tofu. She owns the other cats, even the chickens. But it's great, she came to us with this instinct to not harm chickens. She sort of frolics and chases after them, but she's very gentle. I'll tell you the sweetest thing that's happened so far. Yesterday morning, Bob was I think at the gym, and I was hanging out with her. And she was sort of pulling my hair and running around, chewing on my pants, like puppies do. And Bella, our older German Shepherd, went over to her pile of toys, and she picked up this little cloth crab, and she brought it over to her and sort of smacked her in the face with it. And then they tug-of-warded on it, and it was pretty cute.

Kim: Ah.

Joyce: I was a proud mommy.

Kim: She was like, "Learn how to play, kid."

Joyce: She's like, "Come on, little sister."

Kim: "Come on."

Joyce: "Let's be good." But I mean, what's not to like about a little puppy? She's darling.

Jill: And what about you, Kim? What about your puppy experiences?

Kim: So I have never had a teeny tiny puppy. The youngest dog I ever adopted was Snickers, and she was nine months old. A puppy, but know a puppy with full bladder capacity. You know what I'm saying? We didn't have to get up in the middle of the night with her. She was a rescue, but even that was a lot. That's a lot, a big change when that comes into your home. I can't imagine what it's like having a teeny tiny little puppy. But they're so cute, that must make up for it, right? All the late nights, or the sleepless nights.

Jill: So we've had puppies, Brisby was actually six months old and fully kind of trained when we got him, to the extent that he was trained to be the dominant person in the household and control us. But we did at one point have two puppies, and it was a disaster. They were eating everything, flooring, walls. At one point, we decided we were going to redo the kitchen and had some estimators come in. And one of them said, "Oh, looks like I have to give you a discount. You've already started demolition." And it was true. One of our dogs had literally gone through a plaster wall.

Our house is hundreds of years. Well, over 100 years old. And it's got real plaster, not-

Kim: Yikes.

Jill: And she had dug through the plaster, so we got a discount. But I love them, and we picked them out. You know Dalmatians are born white, and you don't see the spots until they're older. They're about six weeks when they get spots. And so we picked her out as a white little thing, and then she turned into this adorable spotted little animal. Fabulous, fabulous.

Kim: Spring-cleaning season is here. And the perfect place to start is with your clothing. There's nothing better than reaching for shapewear or underclothes and finding the perfect fit and style for what you want to wear. Whether you're at home or out and about, we all want to feel light and breezy on a spring day. And if you do, what you're looking for is Honeylove.

Jill: Today's sponsor, Honeylove has completely transformed the bra and shapewear game. Say goodbye to the discomfort of underwire and bulky fabrics that trap heat, thanks to Honeylove's supportive bonding that eliminates the need for underwire, while still giving you all the lift you want. Plus, the fabric is so soft, it feels like a second skin, which makes it perfect for warmer days. You'll immediately notice the difference. It's so unbelievably comfortable that you'll want to leave your Honeylove on all day. Right now, we have a deal for you. For a limited time, you can get Honeylove on sale. Treat yourself to 20% off your entire order by heading to Honeylove.com/Sisters. Support the show, and check them out, because you deserve a glow up.

Joyce: Honeylove is the perfect pairing with exercise classes and outdoor activities. I love how comfortable their leggings are, and they're my go-to for everything from yoga classes, to taking care of my yard and the chickens. Best of all, their targeted compression

technology means you never feel suffocated in your clothes. And I know you'll love your Honeylove inspired looks.

Kim: Honeylove enhances your style instead of constraining you, and that's something that we all want. So treat yourself to the most comfortable bras and shapewear on earth, and save 20% off site-wide at Honeylove.com/Sisters. Use our exclusive link to get 20% off at Honeylove.com/Sisters. After your purchase, they'll ask you where you heard about them. Please support our show, and tell them that we sent you. Treat yourself to Honeylove, because you deserve it. The link is in our show notes.

Jill: This has been a busy week for the courts and for lawyers. I'm getting whiplash with what's going on. And Joyce, I want to start by asking you, because you missed last week. But when we recorded last week, we were waiting for SCOTUS to rule on the USAID funding and the freeze that had been put in place. And we didn't have an answer then. Now we have it, and we have some subsequent events that have happened since that. But let's start with, what did we get from the Supreme Court?

Joyce: Yeah, so after the show last week, while I was snuggling with a cute little puppy, the Supreme Court ruled 5-4 against the Trump administration in the foreign aid case. And you'll recall that this was an early procedural skirmish about whether the government has to continue to pay out funds, that were previously allocated by Congress, while the litigation is underway. But at least for now, the Supreme Court said yes. That could change pretty quickly.

Jill: And Kim, what happened next?

Kim: Well, so before we get to what happens next, I want to talk a little bit about this order. Joyce is right. It was an order. It's not a decision. It has nothing to do with the merits. It was just, the Supreme Court, if you recall, issued an administrative stay while it considered what it was going to do about this case. So basically, it prevented these funds from being released. And then ultimately, the court lifted that administrative stay, which paves the way for those funds to be released per the order of the lower court.

We know it was 5-4. Generally, those orders are unsigned, but we know that it was 5-4, because it takes five justices to issue an order. And there was a dissent attached to it with four of the most conservative justices, written by Justice Samuel Alito, who just tore into this lower court judge for having, "hubris," in ordering these funds to be released. But in his opinion, dripping with hubris, basically tore that apart and assailed this district court judge for issuing a temporary restraining order, which would have, as we've spoken many times, you can't get judicial review of a temporary restraining order. It's meant to be very temporary and it's under very specific circumstances. But just was so bent out of shape that the court deigned it inappropriate to go and act on this.

Of course, if the court had actually taken this up and reviewed a TRO, that in itself would've made a massive bit of law and really upended how things happened. But Alito didn't address that, but he was big mad. I just needed to point out that he was big mad.

Jill: No, that's worth pointing out. Good point.

Kim: And that two people in the conservative block, Chief Justice John Roberts and Justice Amy Coney Barrett voted with the liberal justices, in saying, "No, this is not our game yet. You got to let the lower courts do a little bit more before we jump in." And that, to your question, Jill, is what happens next. It does get remanded down. Now the Supreme Court lifted the administrative stay after the original deadline to issue the funding had passed. So now, the lower court basically has to do some cleanup, issue some new parameters for these funds to be released. But per court order, the government now has to release this \$2 billion, roughly 2 billion in USA funding, forthwith, or they will be in violation of a court order from the district court.

Jill: Good points, Kim. And now, as we wait to see what's going to happen and how the lower court is going to define, as the Supreme Court sort of said, specifically which funds have to be released, and set a new deadline, allowing more time perhaps than had been originally allocated for the answer. There's now talk about what's going to happen when that's set, and whether there will be compliance. Are either of you worried about noncompliance?

Kim: I'll put it this way. I think that we have enough problems that have already presented to worry about, or issues to worry about before we start worrying about the what ifs in all of this. Again, I will say that we have seen Donald Trump, and the administration, when they run up to some sort of roadblock, so far, they've backed off. Whether it's policies, like the tariffs, that once they realized that the US automakers wouldn't like them, they backed off of those. And they have been brushed back by court so far.

So there's no reason to believe that they really want that fight, especially now that the Supreme Court has weighed in and basically said, "Yeah, we're not getting involved right now." I think that probably it should at least disincentivize the administration. So I'm not going to worry about that until it starts happening. But all indications so far is that the administration has been brushed back for court orders that don't go their way. Some of them have gone their way. And so far, we don't have that issue before us. But I don't know if you're worried about that, Joyce.

Joyce: I think this is probably a first, right? You're pretty calm, and I am way out on the ledge on this one. I worry about this a lot. We know that courts don't have armies to enforce their orders. They get enforced because people are committed to the rule of law. And we've never questioned a president's commitment to the rule of law before this. I mean, occasionally, there's stuff around the edges. But what we are, or at least what I'm fundamentally concerned with is whether or not there's going to be a moment where the president just says, "I don't like that ruling. I ain't going to comply with it. What are you going to do about it, Mr. Chief Justice?" And the Chief Justice, I guess, is going to hang his little flag upside down and go on his merry way, because he won't have a lot of other options.

I will say though, I say all that, I think it's critically important in this moment that people can continue to insist that this administration comply with the law.

Jill: Yes.

Joyce: There are a lot of people doing that. Some Republican senators have done that.

Kim: Yes.

Joyce: There's a great opinion piece in the New York Times today written by Erwin Chemerinsky. This is a great piece that everyone should read. But this is one of those places where we will have to make a stand for democracy.

Jill: Yeah, that's such a good point, Joyce. Because we've heard Donald Trump and Vice President Vance say they don't have to obey illegal court orders that they don't like, and that the courts have no power to do this. So it is something to worry about, even though I agree with you Kim, we have enough to worry about that's actually happening, instead of worrying about what might happen if they don't obey. But let's follow this and we'll keep our eye on it.

In the meantime, there's another very important case on a similar subject. It was brought by 22 State Attorneys General and the Attorney General for the District of Columbia. So 23 attorneys general filed a suit, and they've won. It's a little broader, I think, than the USAID, because it involves funding to all of these states. And in the USAID, it was money that was appropriated and committed. And here, it's appropriated money that the president is trying to impound. And there's a specific law about impoundment.

The US district court judge, John McConnell, ordered Trump to resume distributing the money that was promised to and appropriated for all these states in the District of Columbia. And that really seems to me a very broad decision. Kim, what do you think? Is it as broad as I think?

Kim: Yeah, I think you can read it that way. I mean, not being as well versed in exactly how foreign funding is done and the extent of it, but I think your hunch is generally correct. Now, in this case, it's worth noting that this was a preliminary injunction. It's different-

Jill: Right.

Kim: ... from a temporary restraining order, in that it is appealable, and that process will go on. So the Trump administration has the ability to and is appealing that decision. So on that one, this could be one of the first ones that make it not on the merits, but in a more robust procedural platform, back up to the Supreme Court. The Supreme Court in the other case was basically like, "We don't have jurisdiction yet. Let's let this play out. Release the funds in the meantime."

The Supreme Court could step in a little earlier and sort of look under the hood. Because for a temporary restraining order, one of many factors is likelihood of success. So they're going to have to peek at the merits a little bit. It won't be a merit ruling. This could be one of the first times that both an appellate court, and ultimately, the Supreme Court really gets under the hood as to whether the president has the ability to stop funding that's been appropriated by Congress.

Jill: And Joyce, you wrote of, as you do every day, a fabulous civil discourse Substack. And you focused on this decision in one of your Substacks, and talked about the constitutionally required separation of powers that Judge McConnell addressed very, very

beautifully. You want to talk about that, and why it's so important and, what it means to our democracy?

Joyce: It's so interesting, right? This is the stuff of fourth grade civics, and ninth grade civics, and 12th grade civics. And I was having this conversation with my students. We were talking about, when did you decide you wanted to become a lawyer? And one of the women in my class who's incredibly bright said, "Fourth grade civics, I was hooked." I'm not sure that everybody has that experience, right? But certainly, the adult education that we're getting in the three branches of government and the balance of power is pretty gripping at this point.

I mean, this case is, on one level, just about payments. But it's also a real marker for the damage that Trump is doing to checks and balances. We are, in essence, a three branches system of government, because that means that no one branch of government can become too powerful. Founding fathers, they're explicit about that when they write in The Federalist Papers, that the whole goal is to prevent a tyrant from emerging. They are trying to get away from kings. They don't want kings, because kings aren't good for individual people.

And so this case becomes emblematic of this sort of a soft coup that Trump is advancing. He's trying to consolidate all of the power of government in his own hands, instead of having three co-equal branches. And we're seeing that, quite frankly, across the range of all of the executive orders, whether it's the Doge-created cuts, the new policy moves he's making. But those issues, and I think this case sort of gives us that sharp focus on precisely what Trump is trying to do.

Jill: Yeah, and some of your words reminded me. There are, of course, cases now pending about the creation of Doge.

Joyce: Yeah.

Jill: And whether that's legal, in and of itself, but we don't have time to talk about all of the cases, as I said. And I'm going to skip right ahead to another really important one, which is involving Hampton Dellinger, who was fired, and then the court stepped in and said, "No, he could stay in office." And last week, we talked about the firing. He is the Special Counsel or the head of the Office of Special Counsel, which is created by Congress to protect whistleblowers and other federal employees.

And there was a lawsuit to enjoin his being fired in a two sentence email to him, without any cause, just saying, "You're terminated." And his position comes with a statutorily created term of office, which has not expired, and he can only be fired under the terms of that for cause. And there was no cause stated, and there is no apparent cause. So the day after we talked about this, there was a recording on March 1st by Judge Amy Berman Jackson. And so I want to talk about that. And what Justice ... Judge. Sorry, judge. I've promoted her, and she probably deserves it. Judge Jackson ruled that the statute was constitutional, and Dellinger's removal was illegal.

And so Joyce, let's talk about ... you always say you're a legal nerd. And last week, we talked about we missed you, your nerdiness, because this was a complicated case.

Joyce: I am nerdy.

Jill: No, you're not nerdy, but you are a-

Kim: You the best kind of nerdy.

Jill: That's for sure. For sure.

Joyce: Ah, thanks, y'all.

Jill: So I'd love you to say what happened next, up to Thursday of this week, and then we'll go into what happened Thursday.

Joyce: Yeah, so this really is like the nerdy stuff, right? Late on Saturday, Judge Jackson ruled in favor of Dellinger and said that he could stay in office. The government immediately appealed that to the DC Circuit. And I do mean immediately. I mean, it was almost boom, boom, boom, one right after the other. Never any question that Trump wanted to be able to keep Dellinger out of office. And then on Wednesday, the DC Circuit reversed Judge Jackson, removing Dellinger from office. It's worth noting that that was a 3-0 decision. There was no dissent. One of the panel judges was a democratic appointee. If you've been listening to the podcast for long enough, you know I hate this notion that we now have-

Jill: Yes.

Joyce: ... that federal judges were appointed by a Republican or a Democrat. But I will say that in this instance, all three judges agreed that Donald Trump had the ability to remove Dellinger.

Jill: Kim, what did Dellinger do in response, and why do you think he did it?

Kim: Yeah. So in response, Dellinger dropped his lawsuit. He dropped his bid to keep his job. And the reason that he gave for doing that is that a judge ruled, and the force of a judicial ruling, speaking of, is important, and he is abiding by the law, the rule of law, because that's what happens when you lose in court.

I think it's worth noting that, and I think we've acknowledged from the beginning, this was a tough case for him to bring. I appreciated that he fought back against an effort to remove him, because that's not what's supposed to happen. People at the head of the Special Counsel's office are appointed for five-year terms, that's specifically supposed to span presidential administrations. It's supposed to be a non-political role. It's a non-political watchdog that is there in place to oversee the federal workforce, including whistleblower claims. It's a really important job.

And the fact that Donald Trump tried to fire him after he'd only been in office for a year was patently wrong, if law aside. And he fought that, and I appreciated that. But we have seen from recent Supreme Court precedent that the likelihood that the Supreme Court would rule that Donald Trump, as the head of the executive, has the ability to hire and fire the people in top roles in the executive, the Trump administration was likely going to win that. So I think that's part of the reason why he didn't continue the fight, and he

wanted to, to the best that it could happen, allow the office to get back to its work and not be bogged down by this lawsuit.

But he did say in his statement, how dangerous it would be if a yes man or yes woman is put into that position under Donald Trump, really weakening protections for the federal workforce. So I understand why he did it. It's disappointing, but he was being true to the rule of law.

Jill: So I have to say, I'm not sure I see why he did it. He still had an appeal that he could make. And yes, it's worse if the Supreme Court says something now, than if it's just the Circuit Court. And you're probably right, that this Supreme Court can't be trusted, but we've seen them ... we just talked about a case, where it was 5-4 in favor of or against Donald Trump, really.

Kim: Yeah, but that was an order. They were not going to rule on the merits in his favor. They really weren't.

Jill: Well, I don't know-

Kim: I mean, if anything, I'm worried about the case that will make it, that causes them to roll back even more precedent. I mean, we've talked about Humphrey's Executor in the past, which has stood for the proposition, that when Congress gives limits to a president's ability to fire a specific head of an office that Congress created, that that should be respected. I don't think that that precedent is long for this land, even though it's existed for 90 years. I think he could see the writing on the wall.

Joyce: This was not the right case to take up to the Supreme Court.

Kim: Yeah.

Joyce: I think that there will be better cases. I think the fact that he decided not to pursue this case, I suspect that a lot of people talked with him about it. He's a very fine lawyer. I think he understood that this was not the right case. And we should, by the way, say that that's a remarkable moment-

Kim: Yes.

Joyce: ... for someone to make that sacrifice, so that a better case can come along. Bad facts make bad law.

Jill: All right, let's talk about that then. Let's talk about whether there is a better case. Because we've seen a number of people fired who had specific terms of office, either fired or forced out. For example, the head of the FBI resigned, because he knew he would be fired, even though again, he has a term of office that is deliberately intended to be long enough that he would last beyond one president so that it would be nonpartisan.

There is another case pending, which involves Cathy Harris, the chair of the Merit Board, and she has a similar suit pending. And two days ago, the judge ruled that Harris can remain on the board for the rest of her term, which doesn't expire until 2028, unless she's

fired for cause. So what does this mean for her case? What's the right case to go to the Supreme Court, to say, "No, the president can't undo statutes passed by Congress that say that you have to be fired for cause, or else you have a specific term of office"? What's the right case?

Joyce: So I think the best case, of the ones that are currently pending, right? Because there are more coming. But the best one is this case in Washington involving probationary employees. The law is very clear that you can't fire probationary employees without specific individualized articulable facts. You can fire them. It's easier to fire a probationary employee than it is somebody who's been in office beyond that time period. It is very clear that that rule has been violated, that they were just fired in these sort of mass reductions in force, as opposed to on this individualized basis.

The government is due to lose that case. I would like to see that case go to the Supreme Court first, because there's a lot less risk here than in these individual cases where Trump does have some ability, if he does it right, to remove people. It's like the case with the Inspectors General.

Kim: Yeah.

Joyce: He could have removed them by giving 30 days notice. He didn't do it. I'm not sure that that's the case I want to see in the Supreme Court first.

Kim: Mm-mm. And I think that you're absolutely right, Joyce, in that case because of its specifics, that one is probably really strong. I think with this Supreme Court and its love of the unitary executive theory, which is basically fancy words to say, the President gets to do what he wants, I don't think any of the other ... any of the head of an agency we've seen over the years, the Supreme Court really build on the president's ability to remove people at the top of agencies when he wants to, because they believe that as the head of the executive, he has that power.

Now, the Supreme Court has stopped short of doing things, like there have been efforts to dismantle the Consumer Financial Protection.

Joyce: CF-

Kim: Yes. I'm like, "CFPB."

Joyce: That's so hard.

Kim: Consumer Financial Protection Board. They did shake up its leadership and the way that it's done, but they stopped short of just striking down the entire agency is unconstitutional. But I think when it comes to taking the president's ability to take people out, they will overturn their own precedent. This own Humphrey's Executor, 90-year-old precedent, to allow him to do that if necessary.

Jill: Time for some real talk about aging. It comes for all of us, but don't worry, you can take action. You don't have to look it. The skin below your neck deserves just as much love as

your face. And there's nothing better for that than OSEA's Undaria Algae Body Butter. It feels so good to apply, and it leaves your skin unbelievably soft and smooth.

Joyce: If you want a pro-tip, after your shower, slather on a generous layer of Undaria Algae Body Butter. As you massage it in, take a deep breath, and savor the uplifting citrus scent. Even better, the luxurious, unbelievably rich texture absorbs instantly, and it feels fantastic. It's like nothing you've ever tried before. And once you do, you'll never go back. The Undaria Algae Body Butter infuses your daily skin routine with an incredible citrusy scent that awakens your senses with hints of grapefruit, lime, cypress, and mango mandarin. It's fresh and wonderful every single time you put it on.

Kim: Now, you will be tempted to put it on toast. Don't do that. Because your skin really needs it, although it smells good enough to eat. OSEA's TikTok-famous Undaria Algae Body Butter is not your typical body butter, and it has a reputation for a reason. It's made with ingredients normally reserved for your face, like Undaria seaweed, and ceramides, which means it's tailor-made to transform dry, crepey skin into skin that is soft, smooth, and supple. The nourishing effect is amazing, and when you use it, your glow will light up the room.

Joyce, I've been taking skincare so seriously. I used to be a big makeup girl, and I'm less so now. I'm all about making sure my skin looks great all the time, and continues to look great.

Joyce: And I mean, your skin really does, Kim. OSEA has been amazing for all of us, right? Different ages, different types of skin, different climates, but OSEA is pretty amazing stuff. And of course, it makes sense that OSEA is women-founded and lead. And we love that OSEA has been making clinically proven seaweed-infused products that are safe for your skin and the planet for almost 30 years now. Everything is clean, vegan, cruelty-free, and climate-neutral certified.

We love it. We think you should try it. You can treat yourself to clean, clinically tested skincare from OSEA. And right now, there's a special discount just for our listeners. Get 10% off your first order site-wide with code, "Sisters," at OSEAMalibu.com. The link is in our show notes.

Kim: So now comes the part of the show where we talk about Attorney General Pam Bondi, and her attempts to purge the DOJ. Bondi said that she and FBI director, Kash Patel, are going to rid the DOJ and the FBI of anyone not loyal to Trump. I'm not being alarmist here. I'm going to read the words of Pam Bondi herself.

She said, "Well, first and foremost, we got rid of the Jack Smith team. Gone. Those people are gone. We're still trying to find a lot of people in the FBI, and also in the Department of Justice who despise Donald Trump, despise us, don't want to be here. You have to do the right thing, and right now, we're going to root them out. We'll find them, and they will no longer be employed." So Joyce, the DOJ has in excess of 100,000 employees. What do you think Attorney General Bondi is trying to accomplish here?

Joyce: I mean, it's loyalty oath time at DOJ, right? Just this afternoon, literally as we were taping the podcast, two more employees in the Southern District of New York have been put on

leave. They were people who were involved in the Eric Adams case, career employees, great people, good public servants, did a lot of wonderful work, impeccable records. Bye-bye. So, yeah. I mean, remember when Pam Bondi said that there would be no revenge lists at the Justice Department? She was lying. She was just flat out lying. It's clear that only people with loyalty are wanted.

And I think that we may well hit the point where ... I'm reminded that during the Bush era, one of my friends was interviewing for a job, and was asked in her interview who her favorite Supreme Court justice was. I mean, there are ways of asking where your loyalties lie-

Jill: Wow.

Kim: That's a crazy question.

Joyce: ... other than saying, "Did you vote for Donald Trump?" Yeah, yeah.

Kim: That is such a crazy question.

Jill: The only worse-

Joyce: Her response, the A-plus response, "Justice Marshall."

Kim: That's what I was going to say. I would've picked somebody from way back in the day.

Joyce: Way back, way back when.

Kim: I would've gone way back. Wow.

Joyce: I mean, it is possible. God help us all if we see these outright questions of, who did you vote for in the last election? But I know that during the first Trump administration, people were being interviewed at the White House for positions as federal judges, and they were in fact asked who they voted for.

Kim: Oh my God.

Joyce: So look, this is where we are. And here's the kicker. DOJ staff is based on FTE that are allocated by Congress. Congress has the power of the purse. And so they get to say how many employees DOJ can have. Every person that Pam Bondi successfully forces out or fires gives her a space that she can hire for, and the ability to create a new loyalty corps at DOJ. This is some serious stuff.

Kim: Yeah, it really is. And just to be clear, when we're talking about Justice Marshall, we're talking about Chief Justice John Marshall, the author of Marbury V. Madison. We're not talking about Thurgood, which probably would've gotten the person-

Jill: Oh.

Joyce: That's right. That would've been a gutsy choice though, a gutsy call.

Kim: Yes, yes.

Jill: The only worse interview questions were the ones I was asked about what kind of birth control I used, and how many children I was going to have.

Kim: Oh my God, Jill.

Joyce: Ah, no.

Kim: Oh my-

Joyce: Who asked you that?

Jill: That was a common question when I was interviewing. Are you kidding me? I would-

Joyce: Wow.

Kim: I got to say, when I was interviewing for legal jobs, it was not that blatant, but I could tell. It was like, "Oh, so how old are you? Are you married?" And I'm just like, "I'm not. Yes, no, I'm not. I have no immediate plans to leave for whatever." At that time, it probably wasn't even three months. The leave was probably like six weeks. But I'm like, "It's okay. You don't have to worry about my womb." It was still bad, but I can only imagine how bad it was when you faced it, Jill.

Jill: Yeah, it was horrible. It was horrible.

Kim: So Jill, I was puzzled. Maybe you can explain it to me. Pam Bondi had this whole opening salvo that she was going to get to the bottom of the files connected with the investigation of horrific sex trafficker, Jeffrey Epstein. Now I'm confused, because he's dead. His main accomplice is in prison. What is all this about, and why is even the Republican Party mad about this?

Jill: Such a good question. And of course, it is unanswerable as to why anyone cares at this point. Certainly, anyone within the Department of Justice, let alone even as a ... why would the public even care? Even the sleaze factor doesn't matter anymore.

Kim: Yeah, yeah.

Jill: But it's worse than that. It really is because she apparently, without notifying anyone in the White House, put together a bound volume of material, which I will point out, number one, had nothing new in it. There was no shocking revelation. It was all the stuff that had been revealed when there was trials pending. So there was this big thud of there's nothing here. And-

Kim: I mean, she'd released it as if there was something in it that-

Jill: Right.

Kim: ... directly tied Barack Obama to it, or something. There was nothing in this.

Jill: She teased this before releasing it, but did it without telling anybody. So the White House is really mad, because she did it in the White House at a meeting with influencers. And then they came out with big smiles on their faces, if the cat had just caught the mouse, and they're holding up this thing as if there was something in it. And then everybody looked at it and went, "Oh, there's nothing here."

Kim: There's nothing there.

Jill: "This is nothing." So she's in trouble. But instead of stepping back, she's saying, "Well, the FBI is at fault. They withheld information from me, and now I'm going to get it." And now she says, "I've got thousands of pages, and the FBI is reviewing it." And she's sort of tweaking or she's promising-

Kim: She's still at it.

Jill: She's still at it. "I'm going to give you more."

Kim: She could've just walked away.

Jill: Right.

Kim: She could've walked away and pretended like it didn't happen.

Jill: Really dumb, dumb move.

Kim: Oh my gosh.

Jill: So I don't know if she plans to release more, but she has certainly promised and teased that she is going to release more. And I don't think she learned her lesson about not informing the White House when you're doing something in the White House. She thought, according to something I read, that they would be pleased with this surprise. They were not pleased.

Kim: Oh, man. A good use of our tax dollar money. So let's move on to the acting US attorney in the District of Columbia, Ed Martin, who's making some unusual moves, in addition to posting prolifically on X, claiming that he's going to clean up all the crime that's running rampant in D.C. Narrator interjection here, I live in Washington and the crime has dropped so precipitously in the last couple of years. It's actually really delightful. So don't believe the hype.

But the US attorney also, he's demoted a lot of senior prosecutors in his office to entry level positions. And some of them, these are people who have handled some of the highest profile cases in D.C. They're now working on misdemeanors. That's what he's doing, because he thinks they're not loyal. And some of them are people who worked on the January 6th prosecutions. Of course, remember that the US attorney formally defended January 6th people. So Jill, what's your reaction to some of these moves by US Attorney Martin?

Jill: I don't think anyone will be surprised if I say I am horrified, disillusioned, depressed. It's so wrong. These people have done nothing wrong. They were assigned cases. These were legitimately brought cases. They resulted in convictions. There was plenty of evidence. That's what assistant US attorneys are supposed to do. This is wrong at every level. And there's even talk that someone should bring a case against him to the D.C. Bar for possible penalties.

Kim: Yeah. Well, we're going to get to that.

Jill: Okay.

Kim: We're going to get to potential consequences.

Jill: Okay. I mean, it's a horrible thing. Right.

Kim: Yeah. This is not normal.

Jill: No.

Kim: We can't impress upon our listeners more that this is not normal. This is not.

Joyce: This is so not normal.

Kim: Yeah.

Joyce: Right? I mean, not normal doesn't even do it justice.

Kim: No, but he's gone farther, Joyce. He sent a little letter to the dean of the Georgetown Law Center. Well, first he misdirected it. So once he finally got it to the right place, because Georgetown Law is this tiny little school. I don't know how you would ever find the address.

Jill: And it was several weeks in between.

Kim: Yes, but anyway.

Joyce: So hard to get the details right. Not like that matters in prosecution work.

Kim: Oh my gosh. So he sent a letter to Georgetown Law, one of the most prestigious legal law schools in the nation saying, "Hey, unless you kill all of your DEI programs, we are not going to hire out of your office."

Jill: Out of your school.

Kim: I'm sorry, yes. "Out of your school, in our office." Joyce, it doesn't take a con law professor from Georgetown to see the constitutional problems with this. Talk about that.

Joyce: No, it really doesn't, does it? I mean, Georgetown is a Catholic university. They have certain principles that are protected by the First Amendment, of all things. Some of those principles are implicated in what Eagle Ed Martin and his ilk would deem DEI. Something that continues to really annoy me, right? DEI was this convenient label that people were using to indicate that they were engaging in policies that were good for businesses and schools and government offices, because it gave everybody an equal chance to be there. It leveled the playing field. And I really dislike the fact that they demonize these sorts of words and take them over. We've seen Trump do that over and over again.

I feel like we need to take back DEI and every time we say it, we should say, "Hey, diversity is good. These offices, these schools, these businesses are better if they're diverse and inclusive." But anyhow, thank you for letting me use you guys for cheap therapy. That was fun getting that off of my chest.

Look, the reality here is that Ed Martin has no experience in government or as a prosecutor, and it really shows. He does this really stupid stuff that will come back to haunt them. This letter is one of them. But the reality is that law schools, law firms, businesses, they're being attacked, and they are scared by this. Because the president and his cronies have the ability to control some of the levers of power that determine their ability to stay intact. And so I think that we are, or at least I hope that we are moving towards the point where these groups will stand up together, where universities will take a stand, whether they've been attacked by the administration or not, and say, "This can't be done. It mustn't be done. It shouldn't be done," where they will demand that their senators and representatives engage on their behalf.

I mean, there are some bright lines in a democracy that can't be crossed. This is one of them. I know you guys are underrepresented in the District of Columbia. There are many graduates of Georgetown, either undergrad or the law school or other schools, and these folks need to stand up and advocate. Now is really the time for that.

Kim: Yeah. And good on the dean of the law school, William Treanor, for having none of this. Yes, you are right. There are a lot of people who are afraid to speak out against the things that this administration is doing out of fear of the backlash. And this dean is not ... basically said, "Back off, we know what the constitution is, and we know our rights. So we look forward to all of our esteemed graduates getting full and fair consideration for whatever job they want to take, including those in your office." So good on them for that, because-

Jill: His letter is so fabulously written.

Kim: It is good.

Joyce: It's wonderful.

Jill: It is the right tone.

Kim: Yeah.

Jill: I think we should put it in our show notes-

Kim: Yeah, we're going to throw that.

Jill: Because it really says it in a nice way that, "Our values as a Jesuit institution include this, our rights under the First Amendment include this, and I look forward to your confirming that you will hire people from Georgetown Law School."

Kim: So Jill, we talked about doing things like this. We often say, "If I did that, I would be a little worried that the bar licensing authority might come asking me some questions." And actually, Democrats in the Senate have asked the DC bar to look into Mr. Martin, but there might be someone who comes to his rescue. Jill, who might that be?

Jill: Well, this is so interesting. And honestly, if you hadn't pointed this out in our preparation for the show, I think I might've missed this one.

Kim: Yeah.

Jill: So I'm thinking there are other people who did. But before I answer you, I just want to say that I started thinking about what the D.C. Bar or any other bar association can do about lawyers who are acting in this way. And one of my Watergate colleagues is now on the disciplinary commission for the D.C. Bar, and I've invited him onto Just the Facts, my YouTube show, to talk about ... not any specific case, because of course, you cannot talk about a specific ... but what are the rules? What are the powers of bar associations to do something about this? Which I think is a fascinating and wonderful question.

Kim: Yeah, that's a great conversation. I look forward to it.

Jill: But there's two Bondis, and it's not Pam Bondi who's going to come to his rescue. And it probably isn't her brother, whose name is Bradley Bondi, either. But he is running to be president of the DC bar, and so this is going to be interesting. He announced, oh, after the inauguration and after his sister's elevation to be Attorney General. He has a very good background. He was at the SEC in a high level position, and is otherwise probably a legitimate candidate to be. He's a partner at Paul Hastings, which is a global white collar criminal defense firm. They have offices in Washington, where he's at. And it's going to be an interesting thing. It's 118,000 member bar association in the D.C. Bar.

And the interesting thing though is, it has nothing to do with disbarments. That is, the group I just mentioned, the disciplinary commission, is a totally separate thing and has total independence, so he really can't come to the rescue, even if he were so inclined-

Kim: Yeah, but that's still-

Jill: And of course, he's not inclined to do so, obviously.

Kim: But that's still quite the bully pulpit that he's seeking that.

Jill: Yes.

Kim: And I don't think that it is a coincidence that with Pam Bondi at the DOJ, and acolytes like Martin at the US Attorney's Office, that they are trying to come through and really change the contours of the legal landscape within the district. I think this is all of a piece.

Jill: Absolutely. There's one other interesting little tidbit about Bradley Bondi, which is, he, in 2021, set aside \$100,000 to create the Bradley J. Bondi Diversity and Inclusion Endowed Scholarship-

Kim: Wait, what a minute?

Jill: ... at his alma mater. Yes.

Kim: What?

Joyce: Amazing.

Jill: Okay, so what's what's going to happen to that?

Kim: Oh, [inaudible 00:48:07].

Jill: He's at the University of Florida.

Kim: He can't get this job. He's not allowed.

Jill: Yep. So there you are, okay.

Joyce: Well, I think a lot of lawyers who haven't voted in a D.C. Bar election in a long time are going to be voting in this one.

Kim: Dang, I wish I was admitted in D.C.

Joyce: This episode of #SistersInLaw is brought to you by Wildgrain. If you're not familiar with Wildgrain already, you're in for a treat. It's the first bake-from-frozen subscription box for artisanal breads, pastries and pastas. Wildgrain's boxes are fully customizable to your tastes and dietary restrictions. And there's some exciting news. In addition to their classic variety box, they recently launched a new gluten-free box, and a 100% vegan plant-based box. Best of all, Wildgrain takes the hassle out of baking. All of the items baked from frozen in 25 minutes or less, with no mess, no cleanup, but some awfully good smells in your kitchen.

Jill: I love how fast Wildgrain goes from the freezer to your table. And I use it all the time, so that I never run out of breads, which I used to do all the time, because you have to have a fresh bread just at the right moment. Now, you have it frozen in your freezer box. Whenever I have guests over and want to make our meals special, I raise it to the next level by using my great box of Wildgrain. It's the first thing I think of. It's perfect for delicious meals or snacks, now that the weather is warming up for outdoor parties.

Kim: You know what I love, Jill? I love when you put something like the sourdough rolls in the oven, and even before you taste it, you can smell it. It makes the whole house smell so good.

Jill: Yeah.

Kim: It makes my stepchildren come running. Neighbors might drop by. It's really, really a great draw. And the aroma of fresh bread and pastries coming from the oven is always incredible. I never have to call anyone when the food's ready, they just show up. As soon as the smell reaches them, they come running. And Wildgrain items are so delicious, super high quality and easy to make. I mean, you guys, you won't find anything better at a bakery. I can guarantee, the giant ginger molasses cookies do them. They will make ... anywhere you go, take them to a party, you will be the hit.

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Joyce: Well, Donald Trump has issued a lot of executive orders. Although there isn't one with a title that says, "First, let's kill all the lawyers," he's come pretty close in the last couple of weeks. We can't keep up with all of these orders individually, or at least I can't. There's too many of them. But I think it's important for us to focus on the attacks on lawyers, especially in light of the earlier conversations we've had today. They are unique. I don't think that we've ever seen attacks on lawyers and law firms like this before, and they're very dangerous.

So last week, we talked about the first one. And Jill, that's the one that came out against one of the big, old-time D.C. law firms, Covington & Burling, a firm that had represented Jack Smith on a pro bono basis and given him some advice. That order was somewhat more limited than the new order that we're going to talk about this week. But I want to ask, since that order has come out, have you been surprised by the amount or perhaps the lack of outrage over it? Would you expect that an order like that would've generated a larger outcry than it has?

Jill: I think it should be a larger public outcry. I think within the legal profession, within the American Bar Association, there has been an appropriate response.

Joyce: Yeah.

Jill: The ABA is defending them. Covington is saying they're going to take action to make sure this doesn't happen. Just to remind our audience, we did talk about Covington last week. And of course, the punishment, which is what this is, it's clear, this is nothing legitimate.

Kim: Yeah.

Jill: It is total retaliation, was because it was discovered when Jack Smith was leaving, that he had gotten what he said was \$140,000 worth of free services from Covington & Burling. And that enraged Donald Trump, is that anybody would defend anybody who is attacking him, is beyond his belief. And so they said that they were going to make sure that any contracts, which there probably are none, would be canceled, if there were any government contracts. And that the security clearance of anybody affiliated with the firm would be taken away.

The reason that's so significant is that documents in cases, like defending Jack Smith, should he get indicted, or in any other way gone after, require that you have a security clearance to look at the relevant evidence. And if you don't, then you can't represent him. And they specifically named the lawyer who has been representing him. So it's a really terrible thing with significant consequences for the legal profession.

Joyce: Yeah, so that order sort of looks like it was limited a little bit towards people who had worked on that particular matter.

Jill: Right.

Joyce: And then this week, we get a second order. This one is again targeting a specific law firm, Perkins Coie. By the way, for those of you who are Marc Elias fans, this is the law firm that Marc Elias came out of before he started the Elias Group and began doing exclusively elections work. So you have to wonder what's going on there, but it's a firm that has done a lot of election work. Full disclosure, they represented my husband when he had an FEC challenge, that he won, during his Alabama Supreme Court race many moons ago.

So this executive order though, it's much broader. Can you start by laying out its general contours, Kim?

Kim: Yeah, so it basically ... and there's a lot of falsehoods in the order itself, so it's hard just to go through and fact check it. But it goes after this law firm, because under the language of this order, they helped try to, "Steal an election." Basically, there were people who worked at this law firm who did work in connection with the investigation into the 2016 election, around election interference. And Donald Trump, remember the dossier that Donald Trump can't let go. This happened in 2016. I mean, this man, he won that election, and he's won another one in 2024. You would think that he would let this go, but he cannot. And so now, he is going after everybody at this law firm, claiming that they racially discriminate against their own staff, and that their hiring practices are such that nobody in the administration can do business with them.

Joyce, I swear to goodness, I've tried to read this thing three times to make really good hide or hair of it. It's really hard. And thank you for flagging this for me. This order specifically calls for the chair of the Equal Employment Opportunity Commission to review the practices of this firm, to see if it is consistent with Title VII of the Civil Rights Act. It's basically calling this firm to woke to operate. And that the Department of Justice and the EEOC should investigate this firm for potential criminality or illegality in the way that they hire people and promote people within its own firm.

This is extraordinary. Title VII is not something that is the basis of a presidential executive action. It usually gives someone, who is wrong by an employment action, a private right to bring a civil suit against this. But to sic the EEOC and the DOJ ... why would you sic the DOJ, unless you're kind of hinting that you think they did something criminal? On this firm, in this way ... Again, this is a very prominent firm in D.C. They do a lot of government-related work, and this is seriously just sour grapes, and a misuse of the power of the executive to do this in this way.

Joyce: Yeah. I mean, it's really remarkable. Let me read you a little bit of the language in section 4B. That's the section that you are referring to. It says that the Attorney General, coordinating with the chair of the EEOC, and consulting with State Attorneys General as appropriate," I take that to mean only Republican State Attorneys General, "shall investigate the practices of large law firms." In other words, not just one firm, Perkins Coie-

Kim: Yeah.

Joyce: ... but we're talking about the Am Law 100, right? The biggest law firms in the country. This is sort of the loyalty oath for law firms provision. If you fall out of favor with Donald Trump or with Pam Bondi, then your firm is going to be investigated, and the penalties could be major. I mean, I think that it's asking a lot, to believe that the courts would go along with this. It is facially unconstitutional. There should be a facial challenge to this executive order. You don't have to wait and see how it's applied to know that it's not right. But wow, this is astonishing. And perhaps, this is a moment where all of the law firms wake up and speak with one voice.

I mean, this whole thing, you're right, Kim. When you say that you had a hard time reading through it, because you kept getting stopped. I mean, just in the first paragraph, there's this gratuitous sort of sentence that says, "Perkins Coie has worked with activist donors, including George Soros." I mean, it's not a dog whistle to anti-Semitism. It's just flat out saying it, in an executive order signed by the President of the United States. And it's sort of hard to know what to make of this. It's like somebody, it might've been you, Kim, said that Trump just takes the worst of his social media posts and compiles them into executive orders, and releases them. Right?

Kim: It's really wild. Something just occurred to me as we were talking, and I took a little look at all of the attacks on these big law firms that are just doing their jobs, or a place like Georgetown Law Center. Do you know who a notable alum of Georgetown Law Center is?

Joyce: Who would that be?

Kim: Tiffany Trump.

Joyce: Really?

Kim: Donald Trump's daughter.

Jill: Whoa.

Joyce: Did Tiffany Trump go to Georgetown, just graduating very recently?

Kim: She did.

Joyce: Yeah, she did.

Kim: She did, but I guess she doesn't want to work at the US Attorney's Office in Washington D.C.

Joyce: They might make an exception for her. What do you think?

Kim: Okay.

Joyce: Look, I mean, this stuff is bad. Jill, is it as bad as I think it is? I mean, to me, it feels like an attack on lawyers in general, at a moment where the lawyers are really the only guardrail that stands in between Trump and democracy. Do you want to talk me off of this ledge, perhaps?

Jill: I would like to talk you off the ledge, because I love you and I don't want you to hurt yourself, but I am unable to do so in good conscience, because I'm there with you. This is definitely a threat to all firms. And they use the term, "Big law," in multiple ways, and that involves at least 100 firms, including my old firm, Jenner & Block, which has represented some cases involving LGBTQ, and is possibly a target. It's really terrible.

I want to say that the ABA has done something incredible, which is, they have been speaking up in multiple statements from President Bay, the president of the American Bar Association. And I'm going to read you part of a very recent one, which says, "The government has decided to punish a prominent Washington D.C. law firm because it represents a party that the administration does not like. There also are reports that the actions may be taken against more law firms. Clients have the right to have access to their lawyers without interference by the government. Lawyers must be free to represent clients and perform their ethical duty without fear of retribution. These government actions deny citizens access to justice and betray our fundamental values."

So that's pretty strong language, and it's correct. It is exactly what we need, is this kind of pushback. And citizens, you could be the next one who doesn't get a lawyer of your choice, because the law firm you want can't represent you because they did something that Donald Trump doesn't like. This is clear sign of dictatorship, of the worst thing that could happen to a democracy, is this complete takeover. And I hope none of these firms cower or take the knee in advance. They must fight back.

Joyce: Spring is the perfect time to refresh your kitchen and elevate your cooking game. Whether you're looking to eat healthier, save time or make every meal feel special, HexClad is your kitchen's new best friend. Say goodbye to your scratched up pans and mismatched tools, and say hello to cookware that's stylish, functional and makes you feel like a pro in the kitchen.

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Kim: So I had nonstick pans that I've had, I don't know, maybe since law school. And I had sort of ... let's just say they weren't as non-sticky as they used to be, and I've probably ingested all kinds of chemicals or something from using them over the years. But anyway, when I cook with them, I had to have a certain amount of elbow grease that was needed to flip things, right? So I got a HexClad pan, and I was making hash browns at home, and I went to flip them. And Snickers was sitting, as she often does, right next to the stove.

Jill: Oh, I know what's coming.

Kim: And so I went to flip these hash browns, and using my old pan force of flipping, and a chunk of hash browns flew across this beautiful nonstick pan so easily, that it flew into the air and landed almost on Snickers. And she's the greatest vacuum ever, right? She eats food instantly, but she was so shocked at the food falling from the sky that she was momentarily stunned. She did eat the hash browns. She did eat the chunk of hash browns on the floor. But that was like, "Man, this pan is too good for me." Because people like Gordon Ramsay use it. And I could've probably just picked it up, swirled it, and done the little chef-style flip for it, because it's so much better quality than what I'm used to.

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Jill: Man, that is such good news, getting a discount on stuff that is, as Joyce said, functional and beautiful. I never thought I would comment on how my pots and pans looked, but HexClad really does look good. I often, instead of putting them away, leave them on the stove, because they look so nice. And the best benefit is that my husband doesn't mind cleaning up after I cook a meal, because it's so easy with HexClad. You just sort of basically rinse it, and it's clean.

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your order with our exclusive link. Just head to HexClad.com/Sisters. Support our show, and check them out at [HexClad, H-E-X-C-L-A-D.com/Sisters](https://HexClad.com/Sisters). Make sure to let them know we sent you. Bon appetit. Let's eat with the HexClad revolutionary cookware. The link is in our show notes.

It's now time for our favorite part of the show. We get the best questions from our listeners. I love reading the list. And someday, I'd like to do a show that's just answering your questions.

Joyce: That's fun.

Kim: Oh, yes.

Jill: Don't you think?

Kim: I love doing those. It's always so good. I learn a lot too, just from y'all.

Jill: Absolutely. Well, some of the stuff I read sort of scares me that people are thinking of what ifs that are actually possible.

Kim: Yeah, yeah.

Jill: But anyway, we love it. And if you have a question for us, please email us at Sistersinlaw@politicon.com, or tag us on social media using [#Sistersinlaw](#). If we don't get to your question during the show, keep an eye on our feeds, because we do love your questions, and sometimes during the week, we'll answer them on our own social media feeds, as much as we can.

So I'm going to start today, Joyce, with a question from James. Does a judge in a jurisdiction ever practice as an attorney in another jurisdiction?

Joyce: So this is sort of a fun question. If you're thinking about federal judges, the answer is almost always no. You might have the very rare case where a federal judge might obtain permission from the Administrative Office of Courts, maybe to handle a will, to probate a will for a family member. Or something like that, but extremely limited. Also true for state court trial judges or appellate judges. My husband, for instance, as a state court judge, used to always pass off family legal stuff to me to do.

But if you're talking about municipal judges, it's very frequent that you'll see someone who is appointed, for instance, to be a night court judge, or to do traffic court, who is also a practicing attorney. In those situations, there's perceived to be less of a conflict of interest, and more of a necessity to staff those sorts of specialty courts, so you will see it.

But for conflict of interest reasons, most jurisdictions will not let judges practice law. There's one exception. This is the reason that I wanted to answer this question so much. My father-in-law, when he was on the 11th Circuit, was actually a judge in another context. He was a dog show judge. And he would sit in Atlanta and rule on 11th Circuit cases all week, and then he would fly off to wherever the big dog show was that

weekend. And he took enormous pleasure in judging dog shows. So I just had that lovely memory when I saw this question.

Kim: They didn't specify what kind of judge, Joyce, so this is apropos.

Jill: So Joyce, how could Bob never have had a puppy, when his father was judging dog shows?

Joyce: Wait, it not that Bob never had a puppy. I mean, the Vance family stories are legendary. My mother-in-law bred Great Danes. And when Bob was little, she had a litter of 14 Great Danes, and they were bigger than him. But Bob has never had to take care of a puppy.

Jill: Oh.

Joyce: He's never been the guy who had to get up every two hours in the middle of the night.

Kim: Yeah.

Joyce: So he's sort of freaked out by that. Can you believe he made it through four kids, and it's also the German Shepherd that has finally caught up with him?

Kim: Yes, I believe.

Jill: Wow. We have a question from Vicki that is perfect for you, Kim. Vicki wants to know, how is presidential immunity consistent with a democratic form of government? Is it possible for Congress to pass legislation that overturns this ruling or clearly specifies what actions are not subject to that immunity?

Kim: This is a great question. I would start by underscoring that the immunity that was granted in the Donald Trump immunity case at the Supreme Court is pretty specific. It is about immunity from criminal prosecution for certain actions that are underneath the core responsibilities of the presidency. That's actually really, really limited. I think people, including Donald Trump himself, often confuse or misread that to believe that he can do anything because he's the president, like he's some sort of king. That is not what this decision said. It's actually pretty specific.

But as for whether Congress can act to delineate what falls within a core presidential responsibility, or to otherwise limit presidential immunity, it cannot, for the same separation of powers principles that we talk about a lot on this show. The power of the presidency, including the limits of his immunity, is established by the Constitution. So the only way for Congress to have a role in changing that is through an amendment to the Constitution, which could delineate more specifically what falls within and what falls outside of the immunity.

Now, a branch of government, of course, that does have more of a say as to what kind of immunity a president has, is the judiciary. Right? We have this opinion because of the Supreme Court, and the role of judges to interpret the Constitution. And that's what they were doing in this case. So could a subsequent Supreme Court rule differently or

establish more contours to that rule? Yes, it can. And that would become the law, as they interpret the Constitution. But Congress, on its own, could not change that.

Jill: And one last question from Suzanne, that I'm going to answer, because of course, I am the wearer of #Jill'sPins. And Suzanne wants to know, what do you think of wearing my American flag pin upside down? Suzanne, I hadn't thought of doing that, but you gave me the idea, and I plan to do it. Wearing a flag upside down, or hanging, flying a flag upside down is a sign of distress. And I'm distressed, I think democracy is distressed, and I think-

Kim: Girl, we're all distressed.

Jill: We is, we is. So I do think that that's a good way of communicating that, and letting people know the distress we're feeling.

Kim: Yes.

Jill: Instead of wearing certain colors at the speech that Trump gave, people could have worn an American flag upside down to show their distress. I think you have a good idea, Suzanne, and I'm going to be doing it. So send me a picture of you wearing your pin upside down.

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Fudd? I didn't say it, but it's a good thing. Fudd?

Kim: Are you sure she said, "Fudd," and not another F-word?

Jill: I did not say that.

Joyce: I mean, y'all, Barb is not here-

Jill: Even though Barb's not here, I didn't say it.

Joyce: Barb is not here, so the gloves are off, baby.

Jill: In what context did I say anything like that? Are you making this up? You make things up all the time.

Kim: Well, two people heard it.

Jill: Really? It's my Midwest accent. I said, "Fad."

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