

Joyce Vance:

Welcome back to #SistersInLaw. I'm Joyce Vance. This has been a week full of legal developments for us to discuss today. So we'll talk in depth about two of the biggest legal stories. First, no surprises. We'll take a look at the indictment of the Trump organization and Trump organization CFO, Allen Weisselberg. And we'll see if my sisters agree with my assessment here, that this development will have even more impact on our lives. The Supreme Court issued its decision in Brnovich vs DNC.

Joyce Vance:

We'll talk about what that case means for the future of voting rights in America. And as always, we'll be answering some of your questions at the end of the show. Big week y'all and with all the focus on the Supreme Court, something that didn't happen was we didn't hear any announcement from Justice Breyer on the last day of the term that he would be resigning, that he would be stepping down from the Supreme Court. Were you surprised by that?

Jill Wine-Banks:

I wasn't. And I've known Justice Breyer since his days in the Watergate prosecution office. He is a man of great principle, and he truly believes that the court cannot be politicized and that his retirement would be an act of political wrongdoing on his part. So I don't think he's going to do it.

Barb McQuade:

Yeah. You know Joyce, one of the real tea leaves that you can read there is whether he's hired law clerks for the upcoming term, because no one would, you hope, hire law clerks if they intended to retire. And he has. He's hired law clerks for the term that starts in October. So for-

Jill Wine-Banks:

Four of them, yes.

Barb McQuade:

... that sign indicates that he's staying.

Jill Wine-Banks:

That's a pretty good sign.

Kimberly Atkins Stohr:

Yes. Although I will say that other Justice Kennedy, I believe, had hired clerks as well before he announced his retirement. So it's not Surefire thing, but that is true. That news came through on the last day for Breyer that he hired his clerks who came through on Friday, whereas, Kennedy had hired his earlier, so maybe that's a little bit of a difference. But I'm not surprised today. If you had asked him on January 20th at the beginning of this new administration, whether Breyer would retire, I would say probably, just because yes, he's very principled. He does not believe that the Supreme Court should be politicized, but he's also smart enough to know the political realities that involve the Supreme Court.

Kimberly Atkins Stohr:

I mean, he used to be on the Senate Judiciary Committee as counsel under Ted Kennedy. He's no slouch, and he understands what the stakes are. And he understands what this very tenuous 50-person majority that the Democrats have. But at the same time, he clearly likes his job. He's issued some of the most important opinions this term, and he's probably believes he has something to offer. And so, that's the explanation that I can give. I hope he knows what he's doing.

Kimberly Atkins Stohr:

Full disclosure, I think I said this before on this podcast. I wrote a column during that first week of the administration saying, "Okay, great. Now, Breyer has been inaugurated. I mean, now Joe Biden has been inaugurated, Stephen Breyer can retire now." So I think that that would be good, given what has already been done to the Supreme Court and the tactics of Mitch McConnell that Stephen Breyer taking one for the Democratic team would be more than reasonable, and would not hurt the reputation of the court. But he didn't ask me. So, here we are.

Barb McQuade:

Yeah, and well, you know what's going to happen. He's going to stick around for one more year, and then Mitch McConnell's going to say it's too late. We're too close to midterms. And then we're too close to new president.

Kimberly Atkins Stohr:

Well, he's already said that. He already said he's not going to do anything until 2023 as we had expected.

Barb McQuade:

Yeah, well, of course, that requires a switch in the who controls the Senate. But that's pretty foreseeable. That could happen quite easily. I agree with the sentiment that the court should not be politicized, and we don't want it to be seen as this political animal because we want it to be legitimate to all Americans. But Kennedy was happy to leave. The republican appointed to clear the way for Brett Kavanaugh. And so, it seems that one party plays this game pretty well. And the other party stands on principle, and has paid the price for it, I think.

Kimberly Atkins Stohr:

And I mean, just to point out, right after Obama was not a minute, but the year Obama was elected, David Souter was like, "All right, I'm out." And people do this. People do pay attention to what the political atmosphere is before they make this determination. So this is not unusual.

Joyce Vance:

The notion that the court hasn't been politicized by the way Senator McConnell has handled confirmations or not confirmations is really troubling moving forward on this. So we'll have to watch this with interest. Well, let's jump right in. Barb, I think you're going to lead our conversation about the Trump Corporation and Allen Weisselberg indictments. Let's go.

Barb McQuade:

Yeah, so big news this week when we saw the Trump organization and its Chief Financial Officer, Allen Weisselberg, indicted by the Manhattan District Attorney's Office in partnership with the Attorney General of New York. It's a 15 count indictment. And maybe we can post this on our web page, because I

think it's easy to dismiss this as not much of anything, but it's a really impressive indictment. It goes on for about 15 pages, and it alleges a scheme to evade taxes, includes grand larceny, filing false documents and related charges.

Barb McQuade:

And the gist is that the Trump organization has been compensating its employees off the books for 16 years, providing benefits like cars and apartments, and bonuses, home improvements like flat screen TVs for Allen Weisselberg, a very expensive school tuition without reporting any of it as income. And so, in this way, the employees didn't have to pay taxes on these things because they weren't reported as income. The Trump organization would pay these things directly without passing through the employee.

Barb McQuade:

And the Trump organization could reduce its payroll tax bill. Allen Weisselberg himself is charged with receiving \$1.7 million dollars in untaxed benefits. Trump himself is not named, but Attorney General Letitia James in New York says that the investigation is ongoing. So more charges are possible, additional crimes or additional defendants. And one thing that this strikes me as I heard his lawyers talk about this is not a big deal, everybody does this. Well, I'll tell you what, I think is a big deal. It's the way rich people steal money.

Barb McQuade:

Some people use guns and stand on a street corner to steal money. And this is maybe more sophisticated means, and you don't get your hands dirty, and you're not out on the streets. But it is nothing more than stealing money. And that's why one of the lead charges here is grand larceny, one of the charges in the case. I'm interested in your thoughts, Jill. You've seen big cat tax cases over the years. I mean, do you think that this is a big deal, or is this small potatoes that's not likely to result in prison for anybody?

Jill Wine-Banks:

I don't think it's small potatoes. It isn't the blockbuster that people were hoping for and waiting for. And that seemed to be coming based on all of the publicity from both the Attorney General of New York on the civil side, who then joined in the criminal with Sigh Vance, and with the prolonged litigation over getting Donald Trump's tax returns. And the fact that he's only mentioned as the former CEO of the company, and not as a co-conspirator. But I still think it's a big deal. It is a case where there is a co-conspirator more than one.

Jill Wine-Banks:

There's a co-conspirator number one mentioned, who according to news reports, is not the co-conspirator number one that was mentioned in the Michael Cohen case. But there is another cooperating co-conspirator who was mentioned. And the fact that it is a 16-year scheme and conspiracy makes it much more than just someone made a mistake on the tax returns. This was a deliberate, thoughtful thing. It could lead to a lot of things beyond the criminal indictment. So it could lead to a little Rico indictment in New York. But it also could lead to huge tax liability for the company, and also to banks, for example, refusing to lend to the company. And in many big loans, the documents say if the company is indicted, the loan is callable immediately.

Jill Wine-Banks:

That means that there could be hundreds of millions of dollars in loans that could be called forcing the Trump organization into total bankruptcy. And I don't think we're paying enough attention to that. They could also lose, of course, their liquor licenses and casino licenses because of being indicted, and that would end their business. So and if they can't serve liquor at the golf courses, people aren't going to play golf there. And so, I think it also could be the harbinger of many other indictments to come both from Vance and from Attorney General James.

Jill Wine-Banks:

But also federal tax audit is still lingering there. Campaign violations, the Stormy Daniels tax payment that after all, Michael Cohen went to jail and said he did it at the direction of Donald Trump. And we still haven't heard from that. But DA in Westchester maybe is looking at one of his properties there that had a conservation easement that's been challenged. So I think the brand is going to suffer, and it could be financial disaster. And that makes it a big deal in addition to the fact that the criminal indictment has a 15-year maximum penalty on grand larceny. That's a long time to spend in jail.

Barb McQuade:

Let me ask him about that concept. We don't know whether Donald Trump himself will or won't be charged with a crime. But is this just the indictment of his organization enough to damage him financially? He's all about marketing his name. The Trump brand is on everything. The real estate, the properties, the wine, all of those things use the name Trump. On the one hand, it seems that no one loves money or his own name as much as Trump and in this indictment threatens both. But on the other hand, Trump has also raised a lot of money off of his grievances, real or imagined to fire up his base and even using these kinds of grievances as a fundraiser. What do you think, Kim? Will he be damaged personally by this? Or is it like shooting someone on Fifth Avenue and nobody cares?

Kimberly Atkins Stohr:

Yeah. I think this is a yes or no answer to this. On the one hand, yes, this lawsuit hits Donald Trump where it hurts. He's the only president or even presidential nominee for a party who chose not to divest his business interests once he became the nominee for the party and set that aside. That was shocking at the time, but it's also because he cares very much about the Trump organization. He cares very much about his brand. And this idea that now the entire organization is being called a criminal enterprise essentially, at least in when it comes to the this tax scheme, this tax avoidance scheme, certainly hits him where it hurts. And if any of the potential consequences that Jill just laid out befalls him, that's going to cost him money, and he is going to hate that.

Kimberly Atkins Stohr:

On the other hand, without an actual indictment of the person, of Donald Trump, which I wasn't sure might be coming, and it's certainly the sort of thing that if Letitia James and Sivan didn't have the goods on they could not fire on, so the people who are waiting for that, I know there are some listeners that thought okay, well, we thought you can't indict a president while he's in office. Now he's out of office. Where's the indictment? I know that there are listeners that are wondering that.

Kimberly Atkins Stohr:

First of all, these are state charges. So it's not clear whether that was prevented at all. Anyway, this were a DOJ document prevents federal charges from being brought to against the president. But that's another matter. That being said, Donald Trump has made an art out of taking grievance as you said,

Barb, taking this idea that he is under attack, that the democrats are after him and turning that into a political juggernaut. So am I afraid that because there is no indictment against him, because his attorney forecasted that there's not going to be much to see here, and what actually transpired can probably be messaged as much ado about nothing.

Kimberly Atkins Stohr:

I agree with Jill that's not much to do about nothing, but it can be messaged to that way that this will only further galvanize his supporters. In this idea that this is a political witch hunt, that you saw Don Jr. today saying that this is the same thing that happened to Navalny in Russia. First of all, nobody poisoned anybody in the United States. He also couldn't say enough all these name. But this is the narrative that's going through in Trump land. And I fear that. I think that that could be a dangerous thing. And I hope at the very least, there are some convictions out of this to at least, just like with the Muller Investigation, how we had those convictions, and we had the outcome there. That didn't stop it from being dismissed as political that that's something comes out of this because I think that it can do some political harm.

Barb McQuade:

Yeah, so we do have one individual who's been charged in addition to the organization, that's Allen Weisselberg, who's the Chief Financial Officer. Does the prosecution the prosecutors here? Joyce, let me ask you, do they need why so to flip to cooperate to be able to charge others because it looks like he hasn't done that yet. There's a lot of rumor that they were pressuring him to try to get him to cooperate. But these charges, they really appear to have thrown the book at him, makes it appear that he's not on their team, that he has not agreed to cooperate. Do you think that they need him to cooperate to be able to charge others including Donald Trump? And how likely do you think it is that he will cooperate?

Joyce Vance:

So I think that's the million dollar question here. I mean, that's the most important case here, because Weisselberg seems like he really holds the keys to the castle. You definitely want to have the chief financial officer, the CFO cooperating in a case like this, if you're the prosecutors. They are always a key piece. And there's something interesting about Trump org here. I think the last time that I did a case that involved a corporation, they had had six CEOs over... or rather six CFOs over the period of about 12 years that we were looking at. And that was really great, because you can bring each CFO in, present your case, flip them and you had this whole group of witnesses against the CEO.

Joyce Vance:

But here there's only Weisselberg, who's been at Trump's side for 50 years, and their lives are intertwined. Their families are intertwined. Clearly, that made it much more difficult here for prosecutors to flip him. So we don't know for certain whether they might be able to make a case without him. I think it's tough to see a clear path forward, or at least they don't have that evidence right now. And we know that, because if there had been a clear path, they would have charged other people along with Weisselberg. The fact that they didn't says that they don't think that they can right now.

Joyce Vance:

So whether he might cooperate in the future, I think, is a question we maybe have some insight into. He is clearly held firm so far. And he is unique because of his long-term allegiance to Trump. Sometimes for some defendants, it takes the feel of handcuffs on their wrists to make the situation seem real. But

Weisselberg's not looking at a whole lot of time here. Probably something in low single digits, and he may have decided that for the security of his family's financial future, he can go ahead and take that burden on.

Joyce Vance:

I wonder about whether there's similarity to Michael Cohen's situation. Remember Michael Cohen, I'll take a bullet for Donald Trump. Oh, no, wait, let me cooperate and say everything that I know Michael Cohen. And what happened to him was, he was faced with mounting legal costs and a lot of financial pressure. Interesting question, whether there might be that same kind of pressure at some point on Weisselberg, who will have to pay not just his legal fees, but who has a really huge big back taxes bill that he's going to get hit with at some point in time.

Joyce Vance:

And that raises an interesting sort of area. Is it possible that the feds will jump into this case? Could there be a federal tax prosecution? We don't know. But although federal tax evasion charges usually capped at about five years, there's a whole range of interesting sort of fraud charges that the feds could bring if they chose to come in on this case. I can't really assess whether that's a realistic possibility or not. One suspects the federal prosecutors don't even have Trump's taxes or the corporation's taxes, because I don't imagine that Bill Barr would have ever countenance that he could have kept that from happening.

Barb McQuade:

Yeah, I have a couple questions about that. Number one, do you think that the prosecution could use this strategy to get information out of Allen Weisselberg? If he's unwilling to cooperate, try him, convict him or perhaps he be acquitted, whatever it is. After the case is over, he no longer has a fifth amendment right, put him in the grand jury and compel him to testify at that point. Do you see that happening? It's a mob [crosstalk 00:19:14]

Joyce Vance:

Yeah. I mean, it's really interesting. It's an interesting question. One issue is whether this prosecution would eradicate his fifth amendment privilege. Could he still maintain that he theoretically had Fifth Amendment privileges in other cases that could be brought down the road?

Barb McQuade:

And against federal charges, perhaps, yeah.

Joyce Vance:

Right. Or other state charges? I mean, maybe he would be an essential witness if there was even a defendant, if there was a Westchester County prosecution. So that might keep it from happening. And the other thing, Barb is, I mean, if he's really intent on staying on Team Trump, then he might just decline to prosecute and be willing to take the penalty for that. But I think that that's a good strategy for prosecutors to keep in their toolkit. Let me just say one last thing, because this is something that really troubles me a lot. So much of Trump's public conduct leads to the inference that he's guilty of everything that Weisselberg and the corporation are charged with. He bragged in the debate with Hillary that he was too smart to pay taxes.

Joyce Vance:

Sure, I didn't pay taxes because I'm such a smart guy. Everything that he does really leads you to believe that he might be responsible. But in court, inference is not enough. Prosecutors have to have admissible evidence that will prove guilt beyond a reasonable doubt. I suspect that's why we haven't seen an indictment that goes further than Weisselberg at this point.

Jill Wine-Banks:

Well, Barb, I do want to take a slightly different position than Joyce in answer to your first question, which is, do the prosecutors need Weisselberg to make this case? And certainly, he would be useful and helpful. I don't think he's essential. Number one, the documents are pretty clear, I think, and can be used and explained very compellingly to a jury. Second of all, there's the Comptroller of the company who seems to maybe have been cooperating. There's the possibility that someone else like Calamari would turn on him, or that Rona Graff, his assistant, or Michael Cohen, or Jennifer Weisselberg, the daughter-in-law, former daughter-in-law of Allen Weisselberg, could be witnesses, or the accountants who got the wrong information.

Jill Wine-Banks:

And I think that it can be used against both Donald Trump, the organization, and Weisselberg, that weissenberg and Donald Trump were so close that he was there for so long, that he was clearly involved in writing checks to himself and concealing it. And the fact that there's a double set of books is something juries will love. So I'm not sure that he is essential as a witness. Helpful, yes, not essential.

Barb McQuade:

Even for additional individuals, though, I mean, beyond this case to charge Donald Trump or other members of the organization.

Jill Wine-Banks:

Yes, yeah.

Joyce Vance:

Jill, I agree with you that that's a possibility. But if that's the case, why do you think they charged Weisselberg standalone? Why didn't they put together the full case and bring out one big indictment?

Jill Wine-Banks:

That's hard to explain, and it is troubling that they didn't do it all at once. But there may be some reason why they thought that the reality of handcuffs on Weisselberg would lead to his being cooperative. And that if they have to, they'll go without-

Barb McQuade:

And I agree with it, Jill. I know I've been hearing some experts say that, "Oh, well, this is clearly all they have. If they had more, they would have shown it." I don't think so. I think sometimes you strategically hold back certain things, and you say, "Allen Weisselberg, we charged you with the tax scheme. But you know we're continuing investigation, insurance fraud and bank fraud and these other crimes that are going to bring a whole lot more time. So don't make us go there. We're going to give you another chance." Or maybe there's someone else that they're courting as a cooperator. So I think it's quite

possible that there is still more to come that either they're continuing to investigate or have strategically held back.

Barb McQuade:

Well, I see that we're out of time on this topic. We could talk all day, and I'm sure we'll have many more opportunities to talk about it again. And the one thing I just want to leave out there is that a little message to Leticia James and Cy Vance, we're still waiting to hear more about an individual one. I don't know why the federal authorities have not pursued that case, or at least have not pursued that case yet, but that's the one, of course, that relates to the hush money, where DOJ said in court papers that Michael Cohen was directed and coordinated with individual one in the payment of those hush monies. Michael Cohen went to prison for that. And we also know that individual won the 2016 election for President. Why has nobody pursued those charges? We'll leave it there and keep an eye on that one.

Kimberly Atkins Stohr:

Hey, Joyce, have you heard about fast-growing trees?

Joyce Vance:

I have heard about fast-growing trees, Kim. In fact, I heard about them several years ago. I found them in a Google search when I wanted to get a Meyer lemon tree. And so, I ordered this teeny tiny little tree that showed up. And amazingly enough, it pretty quickly became a big tree. We take it outdoors in the summer and we bring it indoors in the winter because it freezes where we live. And right now it's sitting out on the balcony out on the second story of our house in full bloom, just full of blooms. So I look forward to making lots of lemon meringue pie come up early fall.

Barb McQuade:

It's quite the endorsement.

Kimberly Atkins Stohr:

Oh, that's great.

Jill Wine-Banks:

You just convinced me to go online and order some [crosstalk 00:24:51].

Kimberly Atkins Stohr:

I know. I want a tree.

Joyce Vance:

You guys, get the Meyer lemon trees. It's so awesome.

Barb McQuade:

How do they make them grow fast? What are they feeding them? Why does it grow fast?

Joyce Vance:

They just have good roots and they're well developed. They're probably not-



Jill Wine-Banks:

Wow.

Kimberly Atkins Stohr:

It's the alive and thrive system, Barb. Didn't you hear?

Barb McQuade:

There you go. Can you make me grow?

Jill Wine-Banks:

Does it have any roses and things like that?

Joyce Vance:

I've always ordered fruit trees from them. I think I've got some of their vines too. I think maybe one of my [inaudible 00:25:19] came from them, but everything's beautiful. Think about it. No more waiting in lines, messy cars and lackluster selection at a local nursery. Just go to [fastgrowingtrees.com](http://fastgrowingtrees.com) and choose from thousands of varieties of trees, shrubs and plants expertly curated to thrive in your area and delivered to your door in one or two days.

Kimberly Atkins Stohr:

Think about it. Shade, privacy, fruit trees, or added color in your yard. Every plant is shipped with a well-developed root system ready to explode and grow. And planting season is here, so join over one million satisfied gardeners at [fastgrowingtrees.com](http://fastgrowingtrees.com). The best part, with the 30-day alive and thrive guarantee, it means that your plants will arrive happy, healthy and ready for planting.

Joyce Vance:

Now through July 31st, go to [fastgrowingtrees.com/sisters](http://fastgrowingtrees.com/sisters) for 15% off. I'll definitely be doing that. That's 15% off at [fastgrowingtrees.com/sisters](http://fastgrowingtrees.com/sisters). Look for the link in our show notes.

Joyce Vance:

The Brnovich decision from the supreme court, the big voting rights case this week was six, three. There was a majority opinion and there was a dissent. And that's how we thought we'd focus our discussion today starting first with the majority opinion, and then moving on to the dissent. Jill, go ahead.

Jill Wine-Banks:

Brnovich versus DNC was one of the most consequential and eagerly awaited Supreme Court decisions this term. And it was announced on the last day of the term July 1st. In 2010. The Supreme Court gutted section five, the pre-clearance requirements of the 1965 Voting Rights Act. And that was nearly 100 years after the Civil War. And now in the 6-3 ruling, they have further narrowed the impact of the Voting Rights Amendment by cutting down on Section 2 dramatically limiting the federal government's role in protecting federal elections and upholding two voting restrictions in Arizona.

Jill Wine-Banks:

One that berrs counting a ballot for statewide and national office if the vote was cast in the wrong precinct, and one barring anyone except family, a caregiver or household member from delivering mail in ballot for someone else. Despite the absence of any proof that fraud impacted such activities, and despite its clear disparate impact on minority voters, I was particularly struck by the impact on Native American voters on that one and the statistics on that. I told my social media followers to read the dissent first by Justice Kagan, because it's brilliant, and I believe accurate.

Jill Wine-Banks:

But let's start with an analysis of the majority opinion. And I want to start with you, Joyce, because you wrote a terrific piece in The Washington Post about the DOJ suing Georgia for its new voter suppression laws. And in it you mentioned the possibility before the decision that Brnovich would make it more difficult to challenge these laws. So while the two Arizona laws that have been upheld may not seem so draconian on first look, the court's narrow reading of the Voting Rights acts language and the test that used to determine the constitutionality of these particular changes to what's known as time, place, and manner of voting may be very draconian.

Jill Wine-Banks:

Can you talk about the test, the majority applies to determine if a voting law violates the Voting Rights Act or even the 15th amendment? And then we'll talk later about the dissenters and the tests they would use and what the differences.

Joyce Vance:

Sure. So I think he framed this just right, because it's interesting to note that the Solicitor General is actually the Deputy Solicitor General. After the Biden administration came into place and DOJ was reconfiguring itself, Ed Nadler, who's the Deputy Solicitor General wrote the Supreme Court a letter and he said, "We've looked at this case, and we are not going to change position from the position that the prior administration took that these two Arizona statutes pass muster." We don't challenge that. What we do challenge is the test that should be used to decide when a state law violates section 2 of the Voting Rights Act. And that's the real issue here.

Joyce Vance:

The only issue that the court's going to resolve that has meaning going forward is what tests should courts require plaintiffs who are challenging these kinds of laws that restrict voting to meet in order to establish discrimination because of race, which is what section 2 of the Voting Rights Act prohibits. So Brnovich is the first time that we're seeing section 2 used in this context with the Supreme Court making a big major pronouncement in this area. Typically, section 2 was used for districting, or redistricting cases, because section five was in place to deal with new laws.

Joyce Vance:

Of course, section five gets gutted by the Supreme Court in its 2013 decision in Shelby County versus holder. And unfortunately, what happens in Brnovich which is that they through section 2 on that same trash pile that they had previously thrown section five on to. The lower court, the Ninth Circuit in Brnovich approved what's called the results test. That requires plaintiffs to prove that the law results in a disparate impact that a racial minority or a language minority of voters are disproportionately burdened by the law. And they also have to link it to historical discrimination in that jurisdiction.

Joyce Vance:

But the Supreme Court rejects that test. It says, "No, it's not enough to prove discriminatory impact." Now what you have to do is prove something much more. It'll be a lot more difficult for plaintiffs to bring Section 2 cases. And Justice Alito's standard requires plaintiffs to prove that these new laws create an undue burden on voting. And given the language that he uses, I think it's tough to envision any law that can't be justified. For instance, a state can assert that new laws were animated by concerns about voter fraud, and even without proving voter fraud, those new statutes would pass muster under Alito's standard. So it's a devastating decision for people who think it should be easy for all citizens to vote in our elections.

Jill Wine-Banks:

The court specifically said it was not creating a test to govern all Voting Rights Act section 2 claims about time, place and manner, but was giving guideposts. Do you think those guideposts are dangerous and that this decision is a predictor of how the court will deal with future challenges to the most recent spate of voter suppression measures, which are even more dangerous to democracy and have been passed on the grounds that there is fraud in the election or what we might otherwise call the big lie?

Barb McQuade:

Yeah. There are a couple of things about this that really bothered me in her dissent, which we're going to talk about a little bit. Justice Kagan says, Justice Alito was essentially rewriting the statute. These guideposts don't exist in the statute. He's creating requirements that don't exist. Whatever happened to judicial restraint among the conservative justices. He creates five new guideposts to decide whether certain burdens violate Section 2. And so he said first the burden has to be substantial. Really? Where's that in the statute? And then he says, "Voting takes time for everybody." So mere inconvenience isn't enough, as long as there's some way that you can vote, even if now you have to go farther, and maybe there's another draw backs in your county anymore.

Barb McQuade:

As long as it's out there. It's got to be a substantial burden. Well, maybe what is not a substantial burden to someone who has a 9:00 to 5:00 job and a wife at home taking care of their kids can get to the polls quite easily without a substantial burden, but somebody who's working two jobs and wants to vote in advance and do other things may find that burden to be substantial. So he wrote that one and he's also one of his other guideposts is up. The degree to which a challenged rule has a long pedigree or is in widespread use in the United States. There's a lot of things that have widespread pedigree. Tell me how many bubbles are on the bar of soap. That was around for a long time. Is that one still [crosstalk 00:34:04]

Jill Wine-Banks:

How many jellybeans [inaudible 00:34:05] are.

Barb McQuade:

Yeah. Just because it's been used before, does that mean that that one's okay? Especially if I think fails to recognize evolving technology and the way we relied much more heavily on absentee voting by mail, early voting during the pandemic. And because of technological advances, we might want to take advantage of in the future. The disparities overrules impact on members of racial or ethnic group is an

important factor. And that one seems valid along the lines of what section 2 considers. Fourth, the courts must consider all the ways voters can cast ballots.

Barb McQuade:

So as long as you could show up on election day and cast your ballot in person, and taking away vote by mail, early voting, Dropbox, all these other things are not going to be an impediment because you can still vote. What's the big deal? And fifth, the courts reason for the restriction And certainly that is valid. When governments have good policy reasons to do things. It's not for the courts to second-guess those policy reasons as long as they otherwise comply with the law. But the one that he thought was valid here is the prevention of fraud.

Barb McQuade:

And, yes, of course, we should make sure that elections have integrity, but it seems like he's buying into the big lie, that there is this widespread voter fraud that's going on. And so, everything about this five-part test, I think, is manufactured, is not part of the law that Congress passed, and is going to make it much harder to enforce the Voting Rights Act to protect all of this mischief that's going on. And mischief is really a terrible word to use there, because it suggests that it's playful and harmless. The real damage that is being done to the ability to vote in this country, and it is a coordinated effort, and this opinion is not going to protect voters from those efforts.

Jill Wine-Banks:

Very well said, Barb. And I want to go to you, Kim and say, you wrote a very powerful piece in the Boston Globe, quoting Frederick Douglass about the Fourth of July. And I could feel your personal passion in that article, which will be in our show notes along with Joyce's piece that I mentioned. It seems even more powerful after reading the majority opinion that some disparate impact is okay, they said. And they accused the dissenters of transferring power to the federal courts instead of the states where they said it belonged, and disallowing a guarantee of equal opportunity to vote. So what's left of the 1965 Voting Rights Act, and its amendments after Shelby and Brnovich.

Kimberly Atkins Stohr:

Well, in terms of the ability to enforce it, very little is what's left to be to be frank. And I can pretty quickly settle this idea about transferring the power from the states to the federal courts. The job of the federal courts is to interpret and enforce federal statutes. the Voting Rights Act is a federal statute. The enforcement of which, what is the job of federal courts, including the US Supreme Court. If you can say to Samuel Alito, "You had one job. You had one job today, and that was precisely it." So that is nonsense. Yes, it was not... Listen, this opinion, having listened to oral arguments, having heard some of the justices put forth [inaudible 00:37:38] What about fraud? Isn't fraud. And there are a strong state interest in preventing fraud.

Kimberly Atkins Stohr:

And really parroting a lot of the GOP talking points when it came to pushing through these restrictive voting laws, hundreds of them from coast to coast after, in 2020, having the record turnout in the middle of a pandemic after voting restrictions were eased with zero evidence of widespread fraud. Absolutely not. We should be standing up and applauding all of our election officials in states and localities from one end of the coast to the other and Alaska and Hawaii. But instead, it's like, "Oh well, now people are afraid based on what they've heard that there's fraud." And we have to ease voters'

minds and let them know that it is safe. All they had to do to do that is say, "Look what happened in 2020. It went off. It was great." Republicans and Democrats said that it was carried out great.

Kimberly Atkins Stohr:

Still, the Supreme Court and specifically, Samuel Alito, in this opinion, basically said, in my opinion reading this, that the state interest, the strong state interest in preventing fraud, even where not a scintilla of evidence of fraud has been shown on the record is strong enough to support sustaining a challenge to any of these voting laws. And not just these ones in Arizona, all the others. Some that other courts have found, like voter ID laws, courts have found two target black voters with almost surgical precision.

Kimberly Atkins Stohr:

So long as you can say, "Well, we're trying to prevent fraud." It's basically going to be okay. That's where this leads us. It gives, in my opinion, is what I wrote in my column, constitutional cover of the big law. And that's really, really... It's just devastating and just shocking to see even if I was expecting it, which I was.

Jill Wine-Banks:

And do you think, Kim, that this decision will encourage passage for the people and John Lewis, because it is a clear showing of the potential for restrictive laws being upheld, and for disparate impact on minorities being upheld?

Kimberly Atkins Stohr:

Only Senator Manchin and Senator Sinema and other senators who I'm told nameless senators who also agree with him on the Democratic side willing. It will take elimination of the filibuster, that's the only thing that can do. The stakes could not be higher. So now we have, not only do we have evidence of all these laws being passed. We have evidence from the supreme court saying, "Nope, nothing much you can do with this Voting Rights Act to stop it." So if that is not enough to convince people, people in Washington of the urgency of passing these laws, I'm not sure what else will. So I'm going to say no, just because so far nothing else has convinced them. Maybe this will be the thing that changes their minds, I hope so, but I don't have a lot of faith in that.

Jill Wine-Banks:

I'm always the Pollyanna in this group. And so, I am going to remain hopeful that this will be the thing that makes people go, "My God, we really have to pass these other laws because we aren't protecting the right to vote." And I hope that our listeners will make sure that they contact their representatives and say, "Vote for these laws. It's essential."

Joyce Vance:

Jill, are you still using HelloFresh every week?

Jill Wine-Banks:

I am definitely still using HelloFresh. And even though it's now safe to go back to the grocery store, who wants to when you can get your meal in a package with really fresh produce, terrific quality, chicken and

meat and fish, fabulous recipes that are easy to follow. I'm going to keep on doing it even though COVID isn't making me stay at home anymore. What about you?

Joyce Vance:

Yeah, I've become a real devoted user of it. And I've been using the pescatarian option on the menu. You can choose all those different choices. There's one with meats and one that's good for kids and a vegetarian, and I like the pescatarian, because it has a lot of fish options. And I'm trying to eat more fish because that's good for me. And I agree with you that the quality of the fish is really outstanding. HelloFresh offers 50 menu and market items each week, including ready-to-eat salads, sandwiches and soups, all created and tested by professional chefs and nutritional experts to ensure taste and simplicity, is super convenient. With HelloFresh, you have the flexibility you need to easily customize your order on the app within minutes.

Jill Wine-Banks:

They have something for everyone including the pescatarian and a calorie conscious menu as well as the full meat menu. You're convincing me I should switch to pescatarian. And HelloFresh is 28% cheaper than shopping at your local grocery store and 72% cheaper than a restaurant meal without sacrificing the quality.

Joyce Vance:

Go to [hellofresh.com/sisters14](https://hellofresh.com/sisters14) and use code SISTERS14 for up to 14 free meals plus free shipping.

Jill Wine-Banks:

That's [hellofresh.com/sisters14](https://hellofresh.com/sisters14). That's SISTERS14 and use that same code SISTERS14 for up to 14 free meals plus free shipping. HelloFresh, America's number one meal kit. Look for the link in our show notes.

Jill Wine-Banks:

Well, Kim, I'm still stuck on your incredibly appropriate characterization of the opinion as constitutional cover for the big lie, which is both incredibly depressing and incredibly appropriate. And I think that's a great lead in for our conversation about the dissent, something I noticed as we discussed it amongst ourselves is that we may have to rename the podcast, The Secret Society for the Appreciation of Justice Elena Kagan's writing, because I think that we're all agreed upon is that that the dissent rule, I mean, she really picks up the pen that Ruth Bader Ginsburg put down and writes with eloquence. But why don't you open our conversation?

Kimberly Atkins Stohr:

I think that's absolutely true. So let's dive into this blistering dissent from justice Elena Kagan. And I occur encourage all of our listeners to read this dissent. Even if you don't read the opinion, read the dissent, because it's not written in legalese. It's not hard to understand. And I think it is a great way to fully appreciate exactly what is at stake right now. So Jill, Kagan began her dissent by calling the voting rights act a representation of the best and the worst of America, and set out the historical context of when the VRA was passed. Now, Alito, in his opinion, swatted that away like a annoying fly. But why do you think that historical framing was so important here?

Jill Wine-Banks:

First of all, I agree with you that her opinion is just genius. I actually, in taking notes for today, ended up with cutting out, I printed the opinion, and they actually had to just... I'm going to show everyone [inaudible 00:45:38] that I put in my notebook actual language from her decision, because it's just so compelling. And for those who read the majority opinion first, you may go, "Oh, well, okay, that doesn't sound so awful." Hold on. Read the dissent And you will see everything that is absolutely horrible. And I think what she's referring to, and as someone who graduated law school just after the Civil Rights Act passed, I grew up in a time when the latent discrimination was ongoing.

Jill Wine-Banks:

I mean, remember the Voting Rights Act was passed almost 100 years after the Civil War ended. And it was necessary, because minorities were still being denied the right to vote. And you can't ignore that history. And I think her point was, let's pay attention to what happened then, and that we're getting back to it with all of these new pending laws, or some that have been passed in many states already that are being challenged. So it's really important to put it in that context. And she did it very, very well. And she actually used a lot of statistics that I thought were very compelling. There was even a graph in the opinion, which is something you don't normally see that showed how many people were denied the right.

Jill Wine-Banks:

And she talks about, okay, well, maybe it was only 5% of white people who had a problem, and it was 1% of minority people. But that's 100% more. And that puts in a different context. So I think everybody needs to really pay attention to that and needs to see why we need a new law and worry about whether the Supreme Court will find unconstitutional any law that does actually take care of the problem.

Kimberly Atkins Stohr:

And Joyce, the thrust of Justice Kagan's argument is that the court is rewriting the statute, re-writing the voting rights act in a way only Congress has the authority to do. She said that Justice Alito's opinion ignored the fact that the law prohibits the abridgment not just the denial of voting rights. And then Justice Alito's opinion list, a series of what she calls, "made up factors that just about any restrictive voting law could meet to survive a challenge." She says, "The majority's opinion, mostly inhabits a law-free zone." Help us understand what she means here.

Joyce Vance:

Well, of course, she's right about all of this section 2 prohibits more than an outright denial of your right to vote. It prohibits the abridgment of it, something that would tend to make it more difficult to vote can violate section 2. And, of course, the majority just throws that view away. And Justice Kagan calls the majority's view law free, because really, what it does is something that would be contrary to what you would expect from a majority of textualist. It just ignores the statute and precedent that discusses how section 2 should be applied. In Justice Kagan's view, any number of these factors that are made up, and she's correct when she says that will let a state do whatever it wants to do, as Barb explained, using fraud as a justification, even in the absence of evidence of fraud, and the majority opinion here, ultimately, it's only right, because Justice Alito was able to muster the six votes that he needed to get a majority.

Joyce Vance:

But I'll tell you what, Kim, I'm going to let Justice Kagan really explain the answer to your question, because she does it far more eloquently than I can. And Jill is so right that everybody should read this dissent at some masterclass in the history of voting discrimination in America. But here's how she speaks to your question at the very end of the dissent, she says, "This court has no right to remake section 2. Maybe some think that vote suppression is a relic of history. And so, the need for a potent section 2 has come and gone. She cites the Shelby County case.

Joyce Vance:

But Congress gets to make that call, because it has not done so this Court's duty is to apply the law as it is written. The law that confronted one of this country's most enduring wrongs, pledged to give every American of every race, an equal chance to participate in our democracy, and now stands as the crucial tool to achieve that goal. That law of all laws deserves the sweep and power Congress gave it. That law of all laws should not be diminished by this court.

Kimberly Atkins Stohr:

All right. Well, Barb, we talked before about the fact that attorney general Merrick Garland has really prioritized voting rights as part of the Department of Justice Enforcement Actions. So what does this mean for the DOJ's efforts to mount a muscular challenge to these voting laws?

Barb McQuade:

Yeah, it's definitely bad news. In fact, Merrick Garland issued a statement urging Congress to pass statutes that would make lawsuits unnecessary, which generally occur after some harm has occurred. But I think that Justice Kagan's dissent does talk about that concept that disparate impact claims are all but impossible to prove now. And I share Joyce's fan girl approach to Justice Kagan. I think she's a tremendous writer. In fact, I urge students, if you're a law student or a lawyer, to read her opinions, because she is such a good legal writer. She writes not with big flowery words, the way many lawyers do. She's not trying to impress people. She is writing to be understood, which is why people should write to make sure you're communicating clearly.

Barb McQuade:

And she's got a passage. Joyce, I know read a passage, but the passage I like is really right at the very beginning. She says, "If a single statute represents the best of America, it's the Voting Rights Act. It marries two great ideals, democracy and racial equality." And then she describes section 2 and says, "If a single statute reminds us of the worst of America, it is the Voting Rights Act, because it was and remains so necessary." And those words I think, the tragedy, I guess is that, we still need the Voting Rights Act. And now we don't have it anymore. You may recall that in writing in the Shelby County case in 2013, Ruth Bader Ginsburg wrote her very famous dissent about section five when the Supreme Court eliminated that the pre-clearance requirement and she said, we'll see effective of, you don't throw away your umbrella in the rain just because you're not getting wet.

Barb McQuade:

So we lost section five, and now we're essentially losing section 2, at least in part. I think, Kim, you'd ask what's left? I think that the idea of bringing a lawsuit that has a disparate impact on racial minorities, which had previously been permitted is going to be very, very difficult to bring going forward because of those five factors that Justice Alito has inserted. If you have to show that there's no other way you can vote. There's always some other way you can vote even though it may hit harder on certain segments of



the electorate. That disparate impact, I think, is not going to be enough because you're not going to be able to show that there are these alternatives to voting.

Barb McQuade:

So I think what you're going to have to show going forward is intentional discrimination. Now, that's what has been alleged in this lawsuit filed last week by the Justice Department in Georgia, that it's intentional discrimination, that the legislators knew it would have this effect on racial minorities, and yet they went ahead and enacted it anyway. So you're going to have to make sure that there is evidence of that in the record, and to prove that, I think, to have a sustainable case.

Barb McQuade:

But just a word about disparate impact and intentional discrimination, I think this goes to the very heart of the debate we're currently having about racism in America. I think I hear so often, white people I know say, "I'm not racist. I don't discriminate against anybody. I don't have a racist bone in my body." And I think what they're missing is the bigger picture about the systems that have that disparate impact on racial minorities. But yet, you grow up in a system that has opened doors for you, that has made it easy for you to obtain loans and go to college and do all of these other things that other people who are racial minorities don't have.

Barb McQuade:

And I think that if there's one message I could share with well-intentioned but misguided white people, it is that it's not about you. Good for you that you don't discriminate against people, and you don't have a racist bone in your body. That's an excellent start. But the next thing we have to do is to dismantle these racist systems that have built up throughout the history of America to ensure that everybody gets the same break and the same opportunities. It's that disparate impact, and the same thing happens, and I think Justice Alito is blind to it when he talks about, as long as there's some way for people to vote, then it's not a violation of the Voting Rights Act.

Barb McQuade:

We have to look at that disparate impact. That really matters when it comes to racism in America, and that's what people are talking about. So I think this has made that job harder for people like Merrick Garland to bring cases. But they're going to have to find evidence of intentional discrimination. That is what they have alleged in Georgia. And I think they can prove it and all these other states. I mean, the reason that all these statutes are getting passed, is to make it harder for racial minorities to vote, because it is believed that they vote more frequently for Democrats.

Jill Wine-Banks:

Yeah, I just wanted to add to a barber said, again from Kagan's dissent, and talking about the ballad collection that was upheld by this decision, as it applies to Native Americans. And she points out that only 18% of rural Native Americans in the state have home delivery of mail, that travel times of an hour or more to the nearest post office are common, that many members of the community do not have cars. That basically says, well, then you just can't vote by mail. And it seems to me that taking away the right to vote by mail is as important as saying, you can't just substitute saying, "Well, but you could vote in person." That's not enough. Everybody has the right to vote by mail in the state. And Native Americans don't realistically have that. So I think that's important to keep in mind.

Kimberly Atkins Stohr:

It really is. And it's a common practice within those tribal communities to have someone gather people's mail and turn it in just as they would gather people's ballots and turn them in. I just want to close this part of the discussion with an anecdote that I've had. Up until the beginning of this year I lived in Virginia. And for the 2008 election, I lived in a largely blue part of what was in very red Virginia, and I waited almost four hours to vote in the presidential election.

Kimberly Atkins Stohr:

And I saw other people who were in the line that stretch down the block have to leave that line because they had to go to work. And those people tended to be black and brown. I was lucky enough even though I was covering the supreme court as a reporter and had to get there that day, that I was able to stay in line and cast my vote. Then in 2012, I voted early, still had to wait 90 minutes because it was a purple state then. In 2020, it took 30 seconds because all I had to do was take my mail and ballot and drop it into Dropbox. This makes a difference. To see that with my own eyes gave me even greater perspective even though I already knew that it took not one but two constitutional amendments to guarantee the right for me to vote in this country.

Joyce Vance:

As always, we received some great listener questions this week. If you have questions for us, please email us at [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet using the #SistersInLaw. If we don't get to your question during the show, keep an eye on our Twitter feeds during the week. We'll try to answer as many of your questions as we can get to. So to start our questions this week, I think it's important for us to acknowledge that this week, Merrick Garland has declared a moratorium on further use of the death penalty. But while the death penalty itself is no longer being used, a number of our readers were interested in learning about whether there was inconsistency since DOJ continues to pursue the death penalty in cases like the man who committed the murders that Mother Emanuel Church, Dylann Roof or in the case of the Boston Marathon. And, of course, prosecutors can continue to seek permission to pursue the death penalty. So what do we think about Merrick Garland's death penalty moratorium?

Kimberly Atkins Stohr:

Well, I think that essentially puts us back where we were in the Obama Administration. And keep in mind, the Boston Marathon bombing trial took place during the Obama Administration, the death penalty was sought, and the jury even Massachusetts where the death penalty is very unpopular, there is no state death penalty, chose to give that. But at the time, it was almost understood that, that wouldn't happen. At least not in during the Obama Administration, because there had been a halt of the death penalty for a number of reasons, including the re-evaluation of whether the methods that were used violated the Eighth Amendment. So we're put back there. It seems like it's inconsistent, but it's not necessarily so. And that's what seems to be happening here.

Jill Wine-Banks:

[01:00:26] I think it actually goes back further than just the Obama Administration, because there had not been a federal execution for what is it? 17 to 20 years?

Kimberly Atkins Stohr:

Yeah, before Trump [crosstalk 01:00:35]

Jill Wine-Banks:

... in this country, until Trump not only restarted them, but when after with a vengeance. And given the public pronouncements of President Biden, this seems like a logical step to say that there will be no further ones and that there will be a study of the punishment that goes with it, and the pain with the lethal injections that have had some problems. So I think it was good decision.

Kimberly Atkins Stohr:

Yeah. I can say that that moratorium had begun in the Bush Administration, because there had been challenges to the drugs that were used for lethal injection that had been, as you said, caused pain and discomfort in really horrific situations in some of those executions.

Barb McQuade:

I was just going to say, I don't know that it's inconsistent. It's not really the role of the Justice Department to say we're not going to enforce the death penalty. If it's on the books by Congress, I think they can exercise discretion and say that we think it's not appropriate in this case. But if you can imagine the worst case scenario, chokers [inaudible 01:01:45] or Dylann Roof or one of those, you have to apply the law based on those aggravating and mitigating factors that exist in the statute. And there are certain situations where it's going to apply. It really is on Congress, I think that changed the law.

Barb McQuade:

But the attorney general, I think can say we're going to study it further before we continue executions, that is the job of the executive branch to execute the law. And in that memo, he talked about the various things that they're going to study about exonerations that have occurred after sentences have been imposed, and the inhumane aspects of the particular method of using particular drugs for the death penalty. So all of those are fair game. So it seems to me that the Justice Department is doing all it can to make progress in this area, but still leaving the Congress, the notion of separation of powers, the authority to decide whether we should abolish the death penalty in the United States.

Joyce Vance:

I think that's right, Barb. And given the fact that the attorney general invokes the racial disparity in the way the death penalty is administered, and imposed in this case, it would be well within President Biden's lane for him to decide that prosecutors could no longer seek the death penalty, and even to commute sentences. But the real burden in this case is on Congress to act. So moving on to our second question, at Sally CJ too asks, What's the difference between an indictment, an arraignment and an arrest?

Barb McQuade:

Well, I'll take this one. It's a vocabulary quiz. So an indictment is an official charging document. That is what the grand jury returns listing the charges. So this week, we saw the Trump organization, for example, charged in an indictment. That's the document that lists out in puts the defendant on notice of the crime with which he is charged. An arraignment is the court hearing where the defendant appears and receives a copy of the indictment has the option of having it read in open court, most defendants waive that opportunity. And they make their official initial plea. Sometimes they can change that plea, but they'll either plead not guilty at that time, usually.

Barb McQuade:

Sometimes they'll stand mute, which means I'm not going to say anything at this time because I might change my mind. So the arraignment is that hearing before a judge. And an arrest is the moment when someone takes you into custody. So if you've committed a crime, and you've been charged, then the police or a federal agent will come and put you in handcuffs and take you in for processing. They might keep you in custody if you are not entitled to bail or bond, or you may be released on bail pending charges. So the physical seizing of your body and taking you into custody is the arrest.

Kimberly Atkins Stohr:

Oh, I got it right. I'm a civil attorney and I got it right, yay.

Barb McQuade:

All right.

Jill Wine-Banks:

Let's just add two things to that, which is there is not always an arrest, so a defendant can turn themselves in and not be arrested as happened with Weisselberg who just came with his lawyers directly to the courthouse. And there's also something called an information, although the question didn't ask for it. And that is something that doesn't necessarily require a grand jury and many jurisdictions allow some cases to be charged by information.

Joyce Vance:

So that was a great answer. I feel like that was the first semester of criminal law during the first year of law school done in two minutes. Our last question comes from Mons in Orlando, Florida, and it's a great question. How did y'all learn how to allay any speaking fears you may have had and command attention in a room? And I'm embarrassed to admit I can't answer this one for my students yet, but what's the best path for someone to become a lawyer? Undergrad English Lit so they learn to write? Criminal justice? Political science? What do you say, sisters?

Kimberly Atkins Stohr:

All right. I will take this. First of all, I knew I was going to be a lawyer. I saw undergrad as just four years that I had to find something to do until I went to law school. And I decided not to do poli sci or history or any of the other things that are supposed to be "pre law." First of all, there's really no pre-law curriculum. You can really do what you want. And I chose journalism because I started working for my school newspaper and loved it. But to say this, initially, when I went to my guidance counselor and asked about journalism, if that could be a pre-law curriculum, and she basically told me, yes, anything can be a pre-law curriculum.

Kimberly Atkins Stohr:

And I said I was interested in working for the school's radio station and doing broadcast. And she said, "Why don't you write for the newspaper? Because you have a lisp and I'm not sure you can make it in broadcast." And I said, "I have a what?" I did not realize that I had this thing, but I believed in myself. I had a very strong belief in myself. So I did go work. I did go write for my school's newspaper and ended up loving it. It's what started my newspaper career after I decided to stop practicing law many years later. But at the same time, I got a speech therapist, one of my professors who did speech therapy, I

went to her and I was determined to get rid of that lisp. I also got rid of my Michigan accent, sorry, Barb. She suggested that I might want to do that too.

Barb McQuade:

Michigan, accent. [inaudible 01:07:19] anymore.

Jill Wine-Banks:

It's not in Spanish [crosstalk 01:07:22]

Kimberly Atkins Stohr:

And it was just the belief in oneself that they could do whatever they want. So now having worked at NPR, currently a guest host on NPR and MSNBC contributor, I proved that guidance counselor wrong, so believe in yourself. You can speak in public, if you believe that you can. And seek out whatever resources you have available to you just as I did to help you gain that confidence if you don't have it. But that's 90% of it, I think, is having the confidence to be able to do it.

Jill Wine-Banks:

I agree with Kim, but I would say there are ways to learn. First of all, you have to just do it. That's one of the things. But you can take classes in public speaking. And I took one once where I learned to have the typed document in front of me in bigger print so that it was easy to read, and mostly white margin. So I didn't feel I had to speak quickly. When you see a big lot of words on the page, you speak too fast. And then sometimes I put like an emoji to make me remember to look at the audience and smile and it works. It really does. So you can learn in addition to just having the confidence that you intend to have.

Kimberly Atkins Stohr:

And I will say that the speech therapist I went to was my public speaking professor in college, so was absolutely right. She gave me, certainly gave me tips and clues and cues to use to help me. I'm not showing right now that I'm a good public speaker, but I really-

Jill Wine-Banks:

But we all know you are.

Kimberly Atkins Stohr:

She gave me what I needed, so I agree with everything Jill just said.

Barb McQuade:

One thing I would add is that I have not overcome all fears of public speaking, and I think that that's okay. I use it to my advantage, I think. It's like, anytime you're going to do something, it's important if you have a little bit of butterflies, you can harness that as positive energy. And so, as Jill said, the more you do it, the more comfortable you become, and you develop your own techniques for what works best for you. So just doing it, repetition helps, but I still get a little bit nervous now. And I guess learning to be comfortable with the discomfort is what I have done. And so, I would say to students, if you're uncomfortable, it's okay. Just realize that that's part of the deal, and just ride it out. It'll be okay.

Joyce Vance:

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Well, thank you for listening to #SistersInLaw with Barb McQuade, Jill Wine-Banks, Kimberly Atkins Stohr and me, Joyce Vance. Don't forget to send in your questions by email to sistersinlaw@politicon.com. Or tweet them for next week's show using #SistersInLaw. And please support this week sponsors Fast Growing Trees and HelloFresh. You can find their links in the show notes. To keep up with us every week, follow #SistersInLaw on Apple podcast, Spotify, or wherever you listen. And please give us a five star review. We love to read your comments. See you next week with another episode, #SistersInLaw.

Kimberly Atkins Stohr:

By the way, did I tell y'all I'm officially Kimberly Atkins Stohr, the Social Security Administration?

Barb McQuade:

Nice.

Jill Wine-Banks:

Yay.

Joyce Vance:

That was fast. How did you get them to move that fast?

Kimberly Atkins Stohr:

It was so much faster than I thought. You have to go to the office and drop your documents in a Dropbox so you don't come into contact with anybody. And so, I thought pandemic measures pandemic times. It would take forever, 48 hours [inaudible 01:11:21].

Jill Wine-Banks:

Don't let Justice Alito get a hold of the Dropbox and social security. Get rid of that [inaudible 01:11:28].

Kimberly Atkins Stohr:

Oh, my God.