

Barb McQuade:

Welcome back to #SistersInLaw. I'm Barb McQuade. This week, Kim is taking a well-deserved break in the meantime, Joyce Vance, Jill Wine-Banks, and I will be breaking down Andrew Cuomo's defense to allegations of sexual harassment. We'll be looking at why the Department of Justice hasn't taken more aggressive action on the events of January 6th. And we'll also discuss what airlines can do about unruly passengers. And as always, we'll be answering some of your questions at the end of the show. But one thing that I've been enjoying in the past couple of weeks is watching the Olympics. In fact, today once again, I'm wearing my US Women's National Team soccer jersey, in honor of the bronze medal won by USA. I know we have listeners from all over the world outside of the United States. So to all of the rest of the countries. Good try, but USA. I actually really enjoy watching the Olympics and I'm just curious, Jill and Joyce, whether you guys enjoy watching them too.

Jill Wine-Banks:

We do, my husband was a swimmer in college and so we follow the swimming religiously and the diving because it's just beautiful. And of course, gymnastics, I'm wearing a sparkly top tonight because it seems appropriate because gymnastics, I think is probably my favorite thing to watch next to diving where they do acrobatics in the air before they land really hard in water. It's been an amazing thing to watch the talent and the drive, of these athletes male and female. And I look forward to the Paralympics to follow. And Joyce you're watching too. I know.

Joyce Vance:

Love the Olympics and I'm such a junkie. I just literally will watch anything that's on it at any given moment, but we love the women's soccer team. We got to see them play in Birmingham. It's probably been five or six years since they were here. It was the highlight of my youngest kid's life at that point in time, he told me that they were like dangerous, angry ballerinas. And they really are. They're wonderful, but you all and no surprise here for me. My favorite part of the Olympics has been Tom Daley, the British diver who's knitting in the stands while he's watching the event and getting his mojo together. And it's not just any knitting, he's doing this really beautiful, intricate knitting, and he apparently uses a lot of it to raise money for charity. So Barb with all due deference and despite my usual ability to only root for the home team, I'm rooting for Daley too.

Barb McQuade:

Yeah, he's a great star. He's been fun. And I like watching some of the more obscure sports too. Have you seen trampoline? That's crazy. They jump-

Jill Wine-Banks:

So high.

Joyce Vance:

When did that become an Olympic sport?

Jill Wine-Banks:

Did I miss that?

Barb McQuade:

I think the last time around.

Jill Wine-Banks:

Okay.

Barb McQuade:

But it's really fun to watch sport climbing where they do this rock climbing for speed, as fast as they can. Kayak racing through the rapids is amazing. And have you seen the one rhythmic gymnastics where they use the balls?

Joyce Vance:

Yes.

Jill Wine-Banks:

It's really wonderful.

Barb McQuade:

It's amazing. They throw it in the air and catch it behind their knee. And it's really something. I was talking to a friend today whose daughter works in production for NBC doing some of the video and the reason we're able to see all that great stuff is they work all night long because of the time difference in Japan, they are collecting that video and editing it. So it all looks nice and tidy from 8:00 to 11:00 on your television during Primetime, maybe not free those of you in the Central Time Zone. But it's only because they've got these people working all night recording and editing all that video. So we are grateful to them for making it so enjoyable for us.

Well, let's get into our topics. I think that one of the most interesting stories of the week had to be the report that was issued about New York Governor Andrew Cuomo, relating to sexual harassment and Joyce, I know you've been paying close attention to that and his defense. You want to lead us through that discussion?

Joyce Vance:

I know Barb that you're using the word interesting to describe the report the same way I often use that word, which is to say horrific, insulting, horrible. And we have lots, lots here I think to talk about. New York's Attorney General announced that a report that was conducted at the request of Governor Cuomo by two outside independent lawyers had been completed. The allegations were that Cuomo had engaged in sexual harassment of multiple people on his staff and who he came into contact with as a result of his public function. So the result of the report was very unequivocal. The report in its very first sentence comes right to the point. And the investigators say, "We, the investigators appointed to conduct an investigation into allegations of sexual harassment by Governor Andrew M. Cuomo conclude that the governor engaged in conduct constituting sexual harassment under federal and New York State Law, no equivocating." The report then lays out allegations from 11 women with a startling amount of details to support that conclusion.

And among them, there's there's one woman who indicates that the governor touched her. She was an armed member of his security detail. She found it to be humiliating, it was across her body while she was on duty. And that was apparently witnessed by other members of the governor's security detail. Interesting to note that he only had her in the position where he could treat her that way, because he

had actually changed rules about who qualified to serve on his detail. How many years of service you had to have so that he could bring her on board. His conduct as indicated in the report is very blatant. It appears to have been pretty open. Other people observed his conduct on some occasions, according to the report, looks like he really thought that he could get away with it, that he was untouchable.

What we want to take up today I'm sure many of you have seen the basics of these allegations against the governor that now we're starting to hear what his defense is. So we'll take that up a little bit today. The governor's first response came in a report that was a document from his lawyer, Rita Glavin. It was titled "Position statement." They must have really put a lot of thought into not calling it a defense. I don't think that they wanted to have that sort of a public image that they were criminal defendants, but we'll start with that document and an assessment of whether or not it offers the governor any sort of hope. Barb what's your top line on whether this amounts to a good defense this document?

Barb McQuade:

I think this document was necessary for someone who is in public life as a politician. But I see it as more political gimmick than legal defense. He likely will face some legal challenges in courts. These women could file civil lawsuits against him. He may face impeachment and he could face criminal charges. And at that point, I think we'll see what amounts to a more effective legal defenses. But I think this is about trying to protect his reputation in the court of public opinion and trying to give supporters some things to hang their hat on. But I don't think it's going to cut it legally. And frankly, I thought it sounded really tone deaf. And they used what I consider a defense lawyer's trick of deflection. I'm sure you've all seen this before. And it's basically let's cherry pick the least egregious thing that your client is accused of.

And then talk about that as if that's what all the fuss is about. And so in this case, what they talk about is hugging and kissing. And he focuses remarks on the hugging and the kissing and showed photos of hugging and kissing people. And I do this all the time, I'm affectionate, it's just a misunderstanding, it's generational. I learned from my mother and my father that hugs and kisses put people at ease. And so that's what this is all about. Well, if you read the report, you see that these 11 women are not complaining about hugs and kisses. They are complaining about the touching of their breasts, buttocks, chest, lower backs, running his fingers down their spine, looking down their shirts, asking them about their sex lives, offering to play strip poker and these gestures and touchings did not put these women at ease.

They reported feeling humiliated and shocked and deflated. And one even said, "I felt like I was some little doll for the governor of New York." They also showed photos of other public officials embracing people, see everybody does it. But none of those photos showed anyone touching someone's breasts or buttocks or other private area. So I think that it is an effort to salvage his political reputation and try to create the impression that there's another side to the story. But I was not persuaded by it.

Joyce Vance:

Jill, do you agree with Barb's assessment?

Jill Wine-Banks:

I do agree with Barb. I always agree with Barb almost 100% of the time and with you too, Joyce, I think-

Barb McQuade:

Not always gel. Remember there's that Snapchat [inaudible 00:09:25], go on.

Jill Wine-Banks:

Yeah, occasionally, but man, Barb is holding a grudge. I was going to put a side. No, I think that there was a political need to do this, but that it was ineffective legally. I think what's most important. And Barb you touched on this is that, and where touch is important, I guess, in terms of what the accusations are, but it's what's not included in this. There's nothing about the security official, who was assigned to protect the governor, who he touched and ran his fingers toward her gun below her waist, clearly an invasion of any woman's privacy and space. That's not even mentioned in what we saw in that report and in his oral remarks that same day as the report was announced or in the defense that we heard from his lawyers today or his own personal lawyer, as well as the governor's chamber's lawyers. Some of it is based on some of the defenses.

Well, "People are just misinterpreting my words I didn't mean that." He may not have meant it, but any reasonable person hearing those words would have interpreted them the same way. And he is responsible for any reasonable interpretation of his words. So when you combine that with, what's not included there, and the fact that a criminal complaint has now been filed in Albany. I think he is in serious legal jeopardy, both politically and legally, both civilly and criminally. And I think we'll have lots more to be talking about in weeks to come about the civil and criminal liabilities that he's facing as well as the lack of friends that he seems to have with everybody calling for his resignation.

Joyce Vance:

So Barb, I might be nitpicking here, but I find the tone of this response by the governor's lawyers to be really offensive. I mean, from the table of contents on, right, I don't think I've ever been offended by a table of contents before, but it starts out and they say, and this is a quote, "The governor's interactions with Alyssa McGrath, Ana Liss and Kaitlin were unremarkable." This is the heading of one of the sections as he goes through and dismisses each of these 11 women in turn, "They were lying." He remembered it differently. He had no recollection of it. Unremarkable. These women have come forward so bravely as women in this situation do, but even more so with the most powerful man in New York government, I don't understand the strategy here quite frankly of being so dismissive of these women's allegations. Do you think it works?

Barb McQuade:

No, it doesn't work for me. And again, I think sometimes you see this, it's certainly like kind of a Donald Trump playbook of the best defense is a good offense. It doesn't work for me. And in fact, like you, I find it offensive and tone deaf. I actually want... when I read this section, I went back and looked at the report and what it said about these particular three women, thinking, well, maybe these were pretty minimal. Maybe there's nothing going on here, but they alleged things like he would look down their shirts, he would hold their hands and gaze into their eyes and say, "You're a beautiful woman an Italian," kissed them, flirt with them. Ask if they have a boyfriend call them sweetheart and darling, one of them, he asked to come into his office to research something on his computer, where she had to bend over and he positioned himself so that he was staring at her rear end. And she felt very self-conscious while she did it.

He commented on their makeup, their clothing, their hair, would grab them in what they call a dance pose. My gosh. And I think one thing that's really important about these allegations that anybody who might feel that they are being the subject of sexual harassment is the law looks at the totality of the circumstances. So if there is some sexual harassment going on that is physical touching or this hostile workplace environment based on gender, you can also include other things that add to the hostility as part of that totality of circumstances, even if the other things don't relate to gender. So for example,

one of the women said that in addition to all of these sexually suggestive things that he would say and do, he hazed her by repeatedly asking her to sing Danny Boy for him.

Now, there's nothing particularly gender based about singing Danny Boy, but it is all part of that totality of the circumstances of humiliation. I mean, don't forget sexual harassment and hostile environment. It isn't about the sex. It's about the power and it's about being a bully and humiliating other people. And so all of the things that are described in this section that they say was unremarkable to me is all part of the totality of the circumstances and just feeds right into that narrative, that this is just a big bully who thinks he's better he's than other people.

Jill Wine-Banks:

Barb, I was just going to say, I interpreted unremarkable in a slightly different way as really being a stupid thing to say, because in effect what he's saying is it's unremarkable "Because I did it all the time," and doing it all the time doesn't make it any more legal when you do, do it. I think Barb, you enjoy wrote a terrific thing and talked about, well, if you say to a police officer who stopped you for speeding and saying, "Well, everyone else is doing it." That's not going to get you very far. You're still going to get a ticket for speeding. And just the fact that he says it's unremarkable because he did it all the time, and other people did it all the time doesn't make it any less horrible.

And when we talk about horrible, I think we have to really focus in on two other things, which is the toxic work environment and the retaliation. And although they did come up with a sort of defense that it wasn't really retaliation, it was just to put in perspective that Lindsey Boylan didn't leave because of a toxic work environment. She left because there were complaints about her performance. That's still retaliation. They went out after her and it did in fact, discourage other complainants from coming forward. And that's why retaliation is so terrible, as it stops the truth from coming out. So all in all, I would say he's in worse shape now than he was before.

Joyce Vance:

Those are all really good points because I think something that we should clarify is that when we're talking, and I think primarily when the investigators were talking about the governor committing harassment, we're actually talking about civil wrongs and the victims can file their own personal lawsuits in civil court for damages. There are, as Jill mentioned there's at least one sort of criminal complaint in action in Albany including or rather involving a victim who is not yet been publicly identified. It's possible that there could be others, they could be misdemeanors or felonies. That's not yet clear, but these civil claims are very, very significant. And women who experienced this sort of workplace harassment and toxic environment should come forward. They can use lawyers, they can go to the EEOC, the Equal Employment Opportunity Commission. And there are a lot of venues for obtaining relief.

But Jill, I want to ask you about one last aspect of the governor's written response. Because there's this really weird collection of photos that's appended to his position statement. Anybody who watched the governor make his statement on national television earlier this week saw some of these photos, which he had playing behind him. It was Cuomo with Joe Biden's hands on either one of his shoulders, Cuomo kissing Hillary Clinton, Cuomo, hugging and embracing everybody from Al Gore to Barack Obama, to Nancy Pelosi, to random people that he apparently just bumped into on the street during his average day.

Barb McQuade:

Be careful in the streets of Albany-

Joyce Vance:

No kidding.

Barb McQuade:

... watch out.

Joyce Vance:

I mean, it is bizarre. Are these photos, is there a reason to append them to this defense document? It makes it to me feel like he's not really taking it seriously. He almost expects people to laugh it off. I don't really understand this. And I don't view it as much of a defense. Curious about your take on it.

Jill Wine-Banks:

Well if I were his defense lawyer. I would not have done it, but I think it is more part of this theme of it's unremarkable. "I do it all the time" and that may be why I interpreted his statement-

Joyce Vance:

Everybody does it.

Jill Wine-Banks:

... unremarkable as being it's done by everybody and by me all the time. So I don't think it's an effective defense at all. I don't know that it means he's not taking it seriously. I think he's misinterpreting how people will respond to it. I don't think it will do him any good as a defense to show these photographs that only confirm that he does it. And besides, as Barb said earlier on in this show, none of those photographs are of him reaching under someone's blouse and grabbing her breast. None of them are grabbing someone's buttocks. None of them show the sexual assault of the state trooper who was protecting him. And I consider that a sexual assault within the criminal laws of New York for him to run his hands toward her private parts. So I don't see the point of this. And when they say they had an 85 page defense in that document, it's really only 26 or 28 text pages, including the table of contents and the cover page. The rest of it is all these silly pictures. So I don't think it was a good attempt at all.

Joyce Vance:

This afternoon, just before we started taping, we had the opportunity to see a defense presented for the governor that was a little bit more detailed and it was interesting. It involved both his personal lawyer and also a lawyer for the governor's office, which they call the executive chamber in New York. A judge's office is called chambers. The governor is the chief executive officer State of New York. So they call his office executive chambers. That's a little confusing if you haven't bumped into it before both of those lawyers held a press conference, they laid out some complaints that they had with the investigation. And I'll just close here for now because I'm sure we'll be discussing this more. Did anything that you heard today in this press conference, give you a feeling that Cuomo maybe had a better defense than the one that we have just thoroughly taken apart either of you all?

Jill Wine-Banks:

No, I mean, in one word, no, it didn't. I don't think they accomplished much. And again, they ignored the same things that they ignored their earlier written report. And they really made no new points other than to continue to attack the investigators and claim that there was bias, that they hadn't asked all the

right questions. All of the things they wanted to have included were included in their written report. So it's already before the public. I don't see anything that they landed any blows against the investigators or against the victims.

Barb McQuade:

I just heard a lot of nitpicking in the minutia. And to me, I found that unpersuasive, it'd be a big picture here. There's a real problem with 11 women alleging credibly by these investigators account sexual harassment and to focus on, well, this person said that this happened and it was actually with their left hand and it was inside the plane. And it was actually on a Friday and on a Thursday, I found that kind of minutia to be unpersuasive. What about you, Joyce?

Joyce Vance:

I was surprised that they led with process kinds of complaints. We didn't get transcripts. We didn't have an opportunity to review the report. They complained that the investigators weren't independent because one of them, June Kim, the former acting U.S. attorney in the Southern district of New York had, had some involvement in prior investigations into Cuomo that didn't develop in the prosecutions. None of that really said, and our client isn't guilty of anything that he's charged with. So I thought it was a questionable place to start. They did go into some details after that. And they tried to argue for instance, that on November 16th, one of the key dates that some of the women who had come forward, weren't where they said they were on that day or that they didn't seem particularly distressed.

I think that this is going to bear close watching to see if this sort of Barb. I think you got it accurately. You called it sort of nitpicking details, whether it holds up at all, whether it does anything to push back on any of these complaints. But the reality is 11 women, 11 different complaints. They are not all going away. I think Governor Cuomo's in a lot of trouble here.

Barb McQuade:

Hey, Joyce, have you heard about this wedding planning organization called Zola?

Joyce Vance:

I have one of our friend's daughters. Who's actually a friend of ours just got married. It was a marriage that was delayed by COVID. So the wedding was especially meaningful and they used Zola for their save the date and for their invitations.

Barb McQuade:

Jill, have you had any expense of course?

Jill Wine-Banks:

I haven't had any experience with it, but I was a bridesmaid. In fact, my trip to Memphis was with the bride and the other bridesmaids, and I know how much easier it would have been if we had had a tool like Zola. So I'm all for it. And Barb, what about you?

Barb McQuade:

I haven't, but like you Jill, I had a wedding and the logistics can be very challenging. I know some brides take it like they're planning the invasion of Normandy. So I think for many people having someone to take all of that stress off of your plate is probably very welcome.

Joyce Vance:

Okay. Come on. Invasion of Normandy doesn't even begin to capture it. I mean, my mother-in-law and my mom, they took over Europe.

Jill Wine-Banks:

I have a friend whose daughter has become bride Zilla, and I know she would have been much more happy if she had Zola, because it makes wedding planning easier and less stressful by creating everything couples need all in one place, whether it's wedding vendors, save the dates, invitations, free websites, registry, and more, you can do it all at a one-stop shop. So you save a ton of time. With Zola, you can plan your whole wedding right from your couch online or with Zola's five star app.

Joyce Vance:

That sounds really great to me like Barb, I've got four kids, so four weddings to look forward to at some point and from the couch. Sounds really good. We also know that weddings are plenty expensive. With Zola, planning doesn't have to be. All of Zola's tools are completely free to use. Plus with free guest addressing and free shipping and returns every day, Zola truly has your back. Including for virtual events, you can get free personalized paper samples from Zola to try out before you buy. Over 1 million couples have fallen in love with Zola.

See what all those five star reviews are all about. Go to zola.com/SIL today, and use promo code save 50 that save five 0, to get 50% off your save the dates. For peace of mind, you'll also get during COVID. This can be very valuable, free change the dates with your purchase, that zola.com/SIL promo code save 50. You can find the link in our show notes.

Barb McQuade:

We may have enjoyed that one a little bit than that.

Joyce Vance:

Yes.

Jill Wine-Banks:

I have to tell you I went onto their website just to test it out and looked at Chicago venues and they had some really cool venues listed. Maybe for my 45th wedding anniversary. I'll do it.

Joyce Vance:

There you go.

Barb McQuade:

Well, the next thing we wanted to talk about is the Department of justice's a role or perhaps silence is a better term on its investigation, as it relates to Donald Trump and his inner circle relating to the events of January 6th. Shall you want to talk with us about that?

Jill Wine-Banks:

I do and is a natural segue from last discussion, because we were talking about the mounting evidence against Governor Cuomo, and now we are faced with mounting evidence against Donald Trump and his

inner circle, not just him, but his closest allies. We've had recent revelations that I just want to remind our audience of. I'm sure they are all familiar with Donahue's notes from the Department of Justice, where Donald Trump said to Donahue and Rosen, who was the acting attorney general, "Just say that this is a corrupt election and leave the rest to me." And we've talked about this in the past. And thank heavens we got that notes because of Mira Carlin, waiving executive privilege for testimony by these Department of Justice officials, we've also had adjust security timeline on Mark Meadows role in this, which is very devastating. And we'll include that link in our show notes.

We've also had a recent revelation that Clark, who was the acting head of the Civil Division of the Department of Justice, drafted about the Georgia election. And we'll include that letter as well in our show notes. And he used it to not only try to get the Department of Justice to abuse it's power, to investigate something that didn't exist, which was fraud in the Georgia election. But he used it to try to oust Rosen as the acting attorney general to get himself appointed. And then we have a resignation and I'm sorry, I don't know how to properly pronounce his name, but Patrick Hovakimian, H-O-V-A-K-I-M-I-A-N, and Patrick, if you're listening, please call me and tell me how to say your name properly, but you wrote a very, very impressive resignation letter in the expectation that Rosen was going to be fired and that you and [Donni 00:28:44] you would resign because of that.

And it's really a direct attack on the president for basically interfering in an election, which is a crime. So Barb and Joyce, I'm so glad that you are my sisters-in-law. You wrote a terrific analysis, which is in our show notes of why the Department of Justice must be aggressive in investigating the conduct of former President Trump and why doing so is not partisan and why not doing so is a really bad idea. So Barb, let's start with, what if anything we know that the Department of Justice is doing, because I'm sure you've had Twitter followers like I have saying, "Why aren't they indicting?" What is going on here? So what do we know?

Barb McQuade:

Yeah. So I think one thing is that investigations and charges always take far longer than people expect them to. And beat means it's because you have to put a lot of people in the grand jury and gather a lot of notes and records and documents, and sometimes you have to do one step after another. So we don't really know what DOJ is doing behind the scenes. It may very well be that they're doing a lot of investigating. We do know that they have charged more than 500 people with the activities of January 6. Some of it is low-hanging fruit, people who were trespassing in a restricted area, some were serious with assaults and property damage, and they've even charged some people with conspiracy to obstruct an official proceeding. What we haven't seen is any charges against people who are trying to overturn the election or planners and organizers of that day.

And the piece we wrote kind of made the case for why we think that should happen. And when prosecutors charger case Jill and Joyce, as you both certainly know, just because you have the evidence to do so, does not mean that you should charge the case. You also have to look at whether there's a substantial federal interest at stake that makes those charges worthwhile. And so in some instances you say it's just not worth the resources because the resources are scarce and they're better use for something else, or the person doesn't need to be deterred or there's not a public safety risk here. But in this case where there may be some blow back and some allegation that charging President Trump or his associates is politically motivated. I think they can withstand that because the downside of declining to charge when someone is trying to overturn a free and fair election is such a grave consequence. And the need for deterrence here is so great that I think not charging would be far worse than any political blow back you might get from charges.

Jill Wine-Banks:

Joyce, I'd love for you to add anything you want about that. But also focus on what the Department of Justice could be investigating. What are the potential crimes? And why should they be doing this? What can they do?

Joyce Vance:

Well, I think the key point here and something that Barb and I said in the piece that we wrote with Harvard professor of constitutional law emeritus Larry Tribe, we made the argument that there was sufficient predication, sufficient evidence in the public domain for DOJ to open an investigation, right? If they have this kind of evidence available about a senator or a governor trying to interfere with his own reelection, DOJ would be investigating that elected official, a mayor. There's no reason that they shouldn't be doing that with Trump. We're not prejudging what they should charge, but we are very clear that it's time for DOJ to begin if it has not already an investigation. And to your point, Jill, there are a lot of potential charges here. And this is the whole point of having an investigation. DOJ can, for instance, subpoena witnesses to the grand jury.

And this isn't like this abusive process we see in Congress where witnesses sometimes just decide they won't show up when you get a grand jury subpoena in a criminal matter, unless a judge quashes that subpoena for you, which doesn't happen very often. You must show up in that grand jury, you must testify under oath unless you can assert a fifth amendment, right. And say that you don't want to incriminate yourself by testifying. So DOJ has a huge ability here to gather information. They can get documents, they can get emails, they can get text messages among the principals and try to sort out which of the potential charges might be a good fit. Some of the ones that we identify, for instance, are conspiracy to defraud the United States. That was the charge that Bob Mueller used in the investigation into hacking and disinformation conducted by Russian operated entities.

One of the big cases that he indicted involving the internet research agency, and here we would have that same sort of a potential charge. There's an obstruction of government proceedings charge that's being used against some of the January 6th insurrectionists. That could be a good fit here for Trump and some of the upper level leaders that you mentioned, Jill, there's a possible RICO charge. That's a charge that we usually associate with mobster activity, but it could be a possible fit here because there's attempted extortion going on calling the Georgia secretary of state, asking him to find new votes, putting pressure on the attorney general.

The RICO charges need to be investigated. And there are also other charges that folks might be less familiar with. There is of course the possibility of seditious conspiracy and incitement of insurrection. DOJ would have to evaluate a lot of possible defenses involving the first amendment, but no reason not to investigate. And then items like voter fraud and the criminal version of the Hatch Act, which is compelling political activity. The point that I'm making here is not that each and every one of these should be indicted. It's that it's a big broad universe. DOJ must investigate and determine whether or not any charges are merited.

Jill Wine-Banks:

I think that's the important point is that we're saying investigate. And then you will determine whether to indict. We're not saying that there is guilt. We're saying that there is a sufficient evidence to do the investigation. And I personally think that this is a very different situation that does call for action by the Department of Justice than other times when you might look at one new administration, looking back investigating and trying to indict another. Do you agree with me that this is one of those that is in that

category of yes, the right thing to do, and it's not the same as, for example, lock her up calls or any of the other past times when maybe there's been a threat of a new administration investigating an old one?

Barb McQuade:

Yeah. I mean, there will be allegations of that. And I think that the Justice Department would have to steel itself for that sort of argument, but this is based on conduct. I mean, that's the difference. It is not based on politics. It's not based on who the person is. It's based on the facts. And to me, the real smoking gun was one of the documents you referenced Jill, and even several things that came up this week that are kind of smoking guns, the resignation letter, and the notes about "Just say that the election was corrupt and I'll do the rest." But I think the one that really got me was the letter from Jeffrey Clark who wanted to be the acting attorney general was the assistant attorney general for the Civil Division. But he really lays out in this letter that he wanted acting attorney general Jeffrey Rosen to sign.

He lays out what is clearly the roadmap here of what they wanted to achieve. They advise the State of Georgia about how they might throw out the results of their election and substitute it with a decision by their legislature, Republican controlled. It is so far outside the lane of the Justice Department to tell a state how to conduct its own election. And so it talks about, "We have become aware of corruption in your state and others." And the other states we know where they were focusing, Arizona, Michigan, Wisconsin, Pennsylvania, all the states that were swing states, if they can throw just a couple of those, doing the math. You could get the election turned over to Donald Trump, or if you just create enough havoc and you can convince members of Congress, as he said in those notes, "Leave it to me and the Republican members of Congress."

If you vote against certification, then that throws the election of the House of Representatives and in the House, the way that works is they vote one vote per state. And so Republicans have 26 delegations. So Republicans could control the outcome of that. So that letter to me really outlines what the game plan was here. And so I think that regardless of political blowback and there will be some, and I think I got a note from a listener who was concerned about if you think January 6 was bad with the violence, imagine what would happen if Donald Trump gets indicted what the violence would be. I think you prepare, you do more than you did on January 6 to be ready if there's something like that. But I don't think you get to decline charges because you're afraid that the defendant will get so mad at you that he might become violent. I think that's all the more reason that we need to hold him accountable if that's what the evidence shows.

Jill Wine-Banks:

I agree with you and to also point out that this conversation happened after Rosen and before him Barr had said, "The department has investigated, there is no evidence of fraud that would have changed the outcome of the selection." So they were going ahead and saying it was corrupt. It was fraud, even though they knew that there was no such evidence. And that's what makes it so really devastating as does saying. And if your governor won't do this, you in the legislature can do it on your own. You have this power and they don't. We have to keep remembering that it's one person, one vote. And it's we, the people who elect the president. And Joyce do you have anything you want to add on this issue?

Joyce Vance:

Well, I agree with you all and I would reference a decision about prosecution that happened when Barb and I were U.S. attorneys that points out that it's good to have restraint and not going after quasi

political decisions that were made in the administration that proceeded you. Our boss, Eric Holder had to make a decision about whether he was going to indict and prosecute former Bush officials who had sanctioned the use of torture against terrorism suspects. He decided not to prosecute. It was extremely unpopular. He took a lot of flack at the time for that decision, but he made it out of this belief that it was important to give that prior administration space and to not be too quick, to be the ones calling to lock them up. Not popular, but the right thing to do Barb is absolutely correct. When she says the difference here is the nature of the conduct.

Because on January 6th, there was an effort to overthrow the legitimate government of the United States, an effort to prevent from seeding, a president who had won the election, and that really transcends any other sort of political conduct. This isn't political, it's so foundational to our continued existence. I view it as being at least as dangerous as anything that has happened since the civil war.

And at least at the end of the civil war, there was a surrender. Donald Trump has never surrendered. In fact, he continues on with this course of conduct. He has made it clear that he will continue to engage in this sort of behavior that's antithetical to democracy and even something so dangerous as you all discuss Georgia and the roadmap that at least some of the folks, fortunately and successfully DOJ wanted to lay out that would let Trump steal the victory from Biden, Georgia and other states now have laws that would permit their legislatures to overturn these elections. It'll be a 2.0 version of what happened in 2020, because Trump presents such an enormous danger to the country. It's critical that DOJ take this seriously, investigate fully, and if the evidence is there.

Last night for dinner, my husband made Mediterranean chick Peebles from HelloFresh. They were fantastic. Our kids even ate them. Are you still using HelloFresh, Jill?

Jill Wine-Banks:

I am. And I love the different choices of recipes and learning different techniques of cooking that you can use on days when you aren't using a kit from HelloFresh. I have learned so many things about how to make a sauce or even how to cook fish, which I previously was afraid to try. So I love it. And I think Barb, you're still using it too, right?

Barb McQuade:

Oh, I am, I love it. We eat it two or three nights a week and I just got the chickpea meal. I haven't made it yet, and it's fun to experiment. As you said with things maybe that you wouldn't otherwise try to cook, it's sort of like paint by numbers that it's hard to screw it up because they give you all the ingredients and they measure it out for you in advance. So that's one of the things I like about it. With HelloFresh, you get fresh pre-measured ingredients and mouthwatering seasonal recipes delivered right to your door. Skip the grocery store and sign up with HelloFresh to make home cooking easy, fun, and affordable.

HelloFresh's calorie smart options make it easier to enjoy tasty, lower calorie meals this summer, without scouring the grocery store for ingredients. And with HelloFresh you have the flexibility you need to easily customize your order on the app within minutes. That means you can easily change your delivery day, food preferences, plan size, or skip a week whenever you need. And I've done that when I've been out of town or busy I've switched days and even skipped a week. So it's very convenient.

Jill Wine-Banks:

I had to switch this week because it's my husband's birthday and I'm taking him away to a vacation. So I had to skip this week and I know we're going to miss their food and look forward to coming back to it.

And it's a really good thing because HelloFresh offers so many menu items, 50 menu items and market items each week from vegetarian meals to craft burgers and extra special gourmet options. So don't wait to get started. It's too good.

Barb McQuade:

Go to hellofresh.com/sisters14, and use code Sisters14 to get up to 14 free meals plus free shipping. That's hellofresh.com/sisters14. That's Sisters 14, and use code Sisters14 to get up to 14 free meals plus free shipping. HelloFresh America's number one meal kit. And number one with the Sister in Law. Look for the link in our show notes.

Joyce Vance:

You wanted to talk about an incident in the news last Saturday, a man became intoxicated on a Frontier Airlines flight from Philadelphia to Miami and assaulted three flight attendants. He was a 22 year old Ohio man named Maxwell Berry, and he allegedly groped the breasts of two of the flight attendants. He removed his shirt and then he punched a third flight attendant. A member of the flight crew, ultimately subdued him and duct taped him to a seat. Upon landing the man was charged with three counts of battery. It's an interesting case. And I wonder if any of you ever been on a flight with an unruly passenger?

Barb McQuade:

I have not.

Jill Wine-Banks:

I have not-

Joyce Vance:

Where did you go?

Jill Wine-Banks:

... been on. And I checked with a cousin who's a pilot and a cousin who happens to be the pilots father who was the Chicago Tribune's transportation reporter. And neither of them has been, even though the reports of the numbers are quite amazing. We're talking about thousands of unruly passengers a year, but luckily I haven't.

Barb McQuade:

Yeah. Although Jill, we know you're a chatty passenger. You've told us that before. That's one of those things that if you don't know who the unruly passenger is, it might be you.

Jill Wine-Banks:

I don't drink at all so I'm good.

Barb McQuade:

I don't think any of us have had.

Joyce Vance:

I bet you a lot of these incidents, not the entire plane is aware of them, but they seem to be escalating a lot, getting more serious and maybe more dangerous even.

Barb McQuade:

They do. And I think people are just more poorly behaved than they used to be. They lack some of the filters and some of the discipline that I think makes for an orderly society. Joyce, when you were working in the U.S. attorney's office, did you ever charge any of these mid air flight cases like interfering with a flight crew or anything like that?

Joyce Vance:

We didn't have these come up frequently. I mean, it wasn't something that we charged every month. Very rarely they would come up. Early in my career, I actually charged this guy. He was a want to be movie star who didn't think that the flight crew was treating him with sufficient deference. So he decided that he wouldn't cooperate with their instructions as they were preparing to land. And he actually really did endanger the flight crew. His conduct was dangerous, he was on a small plane. And so he was charged and he ended up pleading guilty after insisting that he would not plead guilty. But I think that those cases were pretty rare for us. Something that we did see a lot of where people who brought their gun into the airport, which is of course a crime and something that's treated much more seriously after 9/11 and DOJ's guidance on those cases.

And we would see a lot of this, somebody who rushed into the airport for an early morning flight and forgot that their gun was in their briefcase. I mean, that's hard for me to believe because I could never do that, but we would see that a lot. And you would give those people a stern warning and decline to prosecute them as long as they had no prior criminal history. And it was very clear that there was no mischief afoot. Every once in a while though, you would find a case that had to be prosecuted. We had a gentleman who had this specially made cane and he had disassembled an automatic weapon and had stuffed some of the parts into the cane to get it on board the plane. He actually did get prosecuted.

Barb McQuade:

Yeah, we did some of them too, Detroit is a Delta hub. So I think we had a lot of flights coming and going and laying over here. So we had a fair number of them. Jill, sometimes there's a federal air marshal onboard a flight. And if so, obviously they would have the legal authority to arrest or handcuffs, somebody who commits a crime in his presence by assaulting a member of the flight crew or something like that. But what about the crew or the passengers, like in this case, can they restrain an unruly passenger?

Jill Wine-Banks:

Let me start with the air marshal, because again, based on my inside information from my cousin, Jonathan Milkovich the reporter, there are air marshals, but there are fewer and fewer. They were quite prevalent right after 9/11, but are no longer on most flights. And the other thing is that they would be very unlikely, he said to ever reveal themselves for an unruly passenger, because as he put it, you could have a terrorist on board being an unruly passenger in order to unmask who the person is, and then be able to succeed in their plot to do something even worse based on knowing who the air marshal was, or even disarming the air marshal. So that probably doesn't work. I did some research on this and the law is

quite interesting. There is a new protocol, the Montreal protocol that would empower the arrest of the unruly passengers or who disrupt a flight.

I mean, it's not enough to just be drunk. You have to actually take action. Assaulting a flight attendant would certainly do that. Trying to break into the crew, into the cockpit would certainly qualify as would many other things. I don't know if the disrobing that Mr. Berry did would qualify as disrupting the flight, but if you are disrupting a flight that is a federal crime, and the question is who has jurisdiction? And it depends on where the flight took off from where the plane is registered and where its destination is. And if the plane diverts to a third airport that may not have jurisdiction, only the takeoff and landing sites may have jurisdiction. And what happens in about 60% of the cases the person is released without being charged because of that.

And that's why The International Air Transport Association has proposed new rules that would allow much more. And in the meantime, the flight attendants do have the right to try to control people to avoid any endangerment of the flight. And so the Frontier one that I think we should post some of the viral videos that were of comedians doing commentary on the episode would show they did a tie up a passenger with duct tape in order to protect the other members of the flight and the flight crew. So yes, the crew can take action and passengers often assist them in restraining an unruly passenger.

Joyce Vance:

One interesting sort of nerdy legal aspect of that is that the crime here is technically called interference with the flight crew or-

Jill Wine-Banks:

With the flight.

Joyce Vance:

... interference with the cabin crew. And so there was a dispute and I remembered this from early on in my career over what prosecutors had to prove. Did you have to prove that the defendant had the intent to interfere with the flight crew? And ultimately that question was answered by the Eleventh Circuit Court of Appeals. That's actually the court that Alabama is a part of along with Georgia and Florida. And this is the case that DOJ in its guidance memo to prosecutors still sites to. And the answer is no, you don't have to prove a specific intent to interfere. You just have to prove general intent that the defendant intended to do his action. So in that case, it was shoving a one of the cabin crew. It might be standing up and running around, but in any event that makes it a little bit easier for prosecutors. And I think we're going to see more of these prosecutions as these incidents escalate.

Barb McQuade:

And Joyce, you probably covered this in your criminal law class. I do, about intoxication as a defense. So even if he is drunk, it is not enough to negate general intent. So if there is just a general intent for interference with the flight crew, then drunkenness is not going to be a defense. It's enough if you are a jerk, doesn't matter if you intended to disrupt the flight.

Joyce Vance:

Yes, tip to any of Barb's and my students this fall who may be listening, that always ends up on my exam that general intent intoxication question every year.

Jill Wine-Banks:

I just want to be even nerdier than Joyce, which is the definition of what interfering in a flight is. And it requires that the doors have been closed before takeoff and not opened until the planing. So once the doors are closed, even though you may be on the ground, that's considered in flight, and it's both a civil and a criminal offense, by the way, it is a criminal offense under the criminal code 18 USC 3571 that can result in 20 year sentence or even life, if you use a weapon. So it's a serious offense to interfere with a flight. It can also result in fines up to \$250,000. And the fines are getting increased dramatically because of the increase in this behavior.

Barb McQuade:

So be careful of those tiny bottles of alcohol when you're flying on a flight. I had two very interesting cases at the U.S. Attorney's Office when I was there. I mean, one was a case known as the underwear bomber, very, very serious crime. And Al Qaeda terrorists tried to blow up a plane over Detroit on Christmas day in 2009 with a bomb concealed in his underwear. But even in that case, the flight crew and passengers, subdued him and use zip ties to constrain him. And they put him in a seat in the front of the plane, he was badly burned. So at that point, I don't know how much of a threat he was, but the crew absolutely had the right to subdue him and detain him for the protection of the other passengers and the flight itself. And then I had another really interesting case-

Joyce Vance:

Hey Barb, can I interrupt though and ask, did you guys charge just the terrorism? I'm not just, but did you charge the terrorism crime? Did you also charge interference with the flight crew?

Barb McQuade:

No.

Joyce Vance:

Do you decide that was too diminimous?

Barb McQuade:

Yeah, we did not. We had other charges that were very serious, that were available up to life in prison including attempted murder in the federal airspace jurisdiction of the United states.

Jill Wine-Banks:

And I want to know who had these ties Barb?

Barb McQuade:

So we did not need to rely on that one. Somewhere in the flight crew. I mean, I don't know if it was for the purpose of restraining people or if it was for some other purpose, but they did subdue him with that. The other interesting case I had involving air travel was a guy who was falsely pretending to be the bodyguard for a raps in her name, Little Kim. I don't know if you've ever heard of her. Little Kim was in Detroit, and then she was traveling to Philadelphia. And so he brought this huge gun on the plane with him in a holster.

And he told everybody that he was a Deputy U.S. Marshall with the witness protection program, and that she was a witness in the murder of some other rapper. And he really just talked his way on. He was a very large guy. He had played football at the University of Georgia, and he was her bodyguard, got on the plane with this gun, but he had the very bad luck of sitting next to something like nine secret service agents who were flying from Detroit to Philadelphia. And they knew immediately, like, "This is no law enforcement gun law enforcement does not show their gun and no crazy holster like this." So they just got him talking to find out who are you, what are you doing? And he talked it up and he told this whole story about being a Deputy U.S. Marshal, et cetera, et cetera.

They asked if they could have pictures of Little Kim and him and they pose so they could get pictures of him and the gun and the holster. So they preserved great evidence. And he was convicted for bringing a gun on an airplane, which is a crime if you're not a law enforcement agent. But I learned a lot of things about air travel in that case, including the danger of a gun going off in flight, of piercing the body of the plane, that the fuel is stored in the wing, and it can blow up if there's a problem with that, that there is no window to open if you need to. So air travel is no joke. And so when next time you fly, bring your duct tape, bring your zip ties and watch your alcohol.

Jill Wine-Banks:

I want to talk to you guys about a great cosmetic, it's called Thrive Causemetics, and they make the best mascara. And I have tried every brand of mascara. And this one absolutely does not smudge even when you take it off, you don't get that big black glob under your eyes. It stays on all day and lengthens your lashes for sure. Has anyone else tried it besides me?

Joyce Vance:

Yeah. I use the mascara gel. In fact, I'm wearing it right now. But one of the things I liked best about Thrive Causemetics is that it's mission is to support causes. It donates to help women thrive by supporting nonprofit partners. So I think there are a lot of great things about Thrive Causemetics.

Barb McQuade:

It is a really great company. I feel really good about buying their products and like both of you all, I'm a huge fan of the mascara. I'm in the south, it's humid. Mascara just runs down your face really easily at this time of the year, but I appreciate Thrive because it stays up put and it doesn't look fake. I'm not a big makeup person off of TV. I've had to learn how to do my own makeup. With all of us being at home doing TV, Thrive makes it really simple to look good without fussing too much.

Jill Wine-Banks:

Thrive Causemetics make high performance vegan, 100% cruelty-free products without the use of parabens or sulfates. They're clean beauty, clinically proven formulas highlight your best features and they even improve your skin.

Joyce Vance:

Thrive Causemetics, never tests on animals and our leaping bunny and PETA certified as 100% vegan. And cruelty-free. On top of that, Thrive Causemetics has a bold mission, that's truly bigger than beauty. For every product purchased, Thrive Causemetics donates to help women thrive by supporting nonprofit partners with a donation of funds or products. It's how Thrive makes sure that they're a beauty brand that goes beyond being skin deep.

Barb McQuade:

We love everything about Thrive Causemetics, their products enhance your natural beauty and they're bigger than beauty mission is inspiring. You'll love them as much as we do. Visit thrivecausemetics.com/Sisters for 15% off your first order. This is an exclusive offer you can get only here. That's thrivecausemetics.com/Sisters for 15% off your first order. thrivecausemetics.com/Sisters. Or you can find the link in our show notes.

As always, we've received some great listener questions this week. If you have a question for us, please email us at sistersinlaw@politicon.com or Tweet us using #SistersInLaw. If we don't get to your question during the show, please keep an eye on our Twitter feeds throughout the week where we'll answer as many of your questions as we can. Our first question comes from Kathleen, who asks what is a bill of particulars in criminal cases? Joyce, can you answer that one for us?

Joyce Vance:

This is such a great question. This is criminal procedure. Barb and I teach this too. Bill of particulars is a way that a defendant in a criminal case where a bill of particulars is authorized by Rule 7(f), the defendant can say, "Prosecution, your claims aren't specific enough. I need more clarity on a certain point. I need the particulars that will permit me to defend myself." Typically indictments don't have to be all that detailed in these motions aren't all that successful, but on occasion, you'll find a judge that will grant one. There's a similar process in civil cases, but typically it's no longer used. It's been supplanted by civil discovery, which is very robust and defendants and plaintiffs can ask questions or ask for documents and get their questions answered that way.

Probably the last thing I should say, Kathleen, is that in criminal cases, it's very interesting. A defendant can ask for a bill of particulars, but there's no comparable method for the prosecution if, for instance, a defendant asserts a defense, the prosecution doesn't have the right to ask for more details. So it's very one-sided in the criminal context.

Barb McQuade:

Before you ask the next question, Mark from Jerusalem, he asks if they have the power to subpoena phone records of members of Congress. So think about in the criminal context, Joyce, if you wanted to get subscriber records, you could get that with a subpoena, but if you want like call log records, you have to get a 2703(d) order. So what does Congress do? Can Congress get that?

Joyce Vance:

Wasn't there just this whole fury about finding out that congressional leaders had been the subject of same investigation, or was that members of the media? I might be conflating my horrors. But I think there was some allegation.

Jill Wine-Banks:

I think there was allegations that it was members of Congress.

Joyce Vance:

Yeah, but can Congress get phone records from-

Jill Wine-Banks:

The other directions.

Joyce Vance:

So they can get-

Barb McQuade:

I don't think their power is limited in any way. I mean, they can subpoena...

Joyce Vance:

Can they go because to get 2703(d) requires a court order where the government shows specific and articulable facts showing reasonable grounds to believe the contents are relevant and material to an ongoing investigation? [crosstalk 01:02:36]. I'm looking at the statute right now.

Barb McQuade:

It says government entity. It doesn't say prosecutors, it says government entity. It means department or agency of the United States or any state or political subdivision thereof.

Joyce Vance:

I don't think that's Congress.

Barb McQuade:

Yeah. So I don't know about congressional [inaudible 01:02:55]. All right. You know what? I think let's [ponta 01:02:57] on that one because I'm just not sure. Sorry about that.

Jill Wine-Banks:

It's an interesting question.

Barb McQuade:

All right there's no any other one. Oh, what's the second part? Wasn't there something that had a second part? Kind of pro se litigant represent themselves in federal court, appeals court or Supreme Court. The answer is yes for federal court in appeals court, can they before the Supreme Court? I bet not.

Joyce Vance:

Sorry. I missed the question. Say again.

Barb McQuade:

Sorry. This is a question.

Jill Wine-Banks:

Can you be pro se before the Supreme Court?

Barb McQuade:

The second part of the Kathleen question that you just answered. Can you be pro se in federal court?
Yes. Appeals court?

Joyce Vance:

Yes.

Barb McQuade:

Yes. Supreme Court. Don't know.

Joyce Vance:

Yes. I have actually had that case when I was a very young lawyer in private practice. I got the delightful joy of responding to a pro se cert petition. It was horrible.

Barb McQuade:

So you can. How about if they actually accept cert?

Joyce Vance:

I don't know.

Jill Wine-Banks:

Would they be able to argue?

Joyce Vance:

I think that they would appoint. You have to be a member of the Supreme Court bar to argue, but you've always got a pro se right. I think the answer is that they would try to coerce the party and to letting them appoint a lawyer for them.

Barb McQuade:

In 2013, the U.S. Supreme Court adopted a rule that all persons arguing orally must be attorneys, I guess if you're attorney you could.

Joyce Vance:

Actually I'm wrong you don't have the option. They would appoint somebody for you.

Barb McQuade:

Yeah. But I think you can still file a pro se it's just oral argument.

Joyce Vance:

You can definitely file pro se.

Barb McQuade:

And our last question comes from Emily in Tacoma who asks, what advice would you give for someone who has been sexually harassed? Jill, what would you say about that?

Jill Wine-Banks:

I would say Emily, that is a great question. And the first advice I would have is make sure that you consult with a lawyer because you really would need one. I played the role on a television show of a lawyer representing victims of sexual harassment right after the Equal Opportunity Act passed. Yeah. Not equal opportunity. The EOC laws came into effect and I got a lot of calls from women and I had to listen to their stories and evaluate whether they would succeed in bringing the charges and what would happen to their careers in the meantime. And as someone who also was sexually actually assaulted, if you consider a hand on the knee, in a public place where other people could see it, sexual assault I didn't bring charges because I loved my job. And I knew that even if I won, which I would, because I had witnesses to it, it would not help my career and I loved my job.

So I would say, you have to think about looking at how you will be attacked and all you have to do is look at Lindsay Boyland and to see what happened to her when she reported a sexual harassment and think about it. So consult with a lawyer, get some advice. And hopefully nowadays, where women are coming forward, where you have the support of the Me Too movement, you can get that advice from organizations like Me Too. And you can get the support that you need to do it. If it is significant enough that it's interfering with doing your job, it is definitely worth doing and protecting yourself and others. Because if it's you, there are others who are being attacked.

Barb McQuade:

I have a follow-up question for each or go ahead, Joyce.

Joyce Vance:

Well, I would add to that. It's really important to get evidence of what's going on even before you're sure that you might want to proceed against someone who's harassing you. The most important thing that you can do is compile documentation a lot easier these days with the cell phone. If there are other people who've witnessed it, make sure that you know who they are, write down dates and times and keep detailed notes and a diary. Because as we noted in discussing the allegations against Governor Cuomo, having a pattern of pervasive conduct can be very important, but something that you have to keep in mind while you're sorting it out, is that there are time limits on these actions.

It differs depending on what you're thinking about doing, but for instance, for certain kinds of claims, you have to go to the EEOC before you file a lawsuit. And there are some very strict time constraints there. I think you've got 300 days. I might be wrong about that. That's my recollection. So it is important that you not just let it linger to the point where you either A, can't prove it or B, you're out of time. You should always find a lawyer or a group that can help you think it through and decide what's right for you.

Barb McQuade:

And I would just say, I think Jill, give some good advice about thinking pragmatically about the consequences and other things that may result from your reporting it. But I also think that no one should have to put up with a hostile work environment. The law forbids it. Sometimes there are workplace cultures that seem to excuse that kind of behavior, it's illegal. And don't worry if people say that you have a chip on your shoulder and it's you, and this is how it is at the workplace, it's unacceptable and you shouldn't feel the need to accept it. So it takes a little bit of courage to go through it. But it is worth it not only for yourself, but all of the other women in your organization and all the

others who will follow. So it's a big decision, but just think about all the good you can do by exposing someone who is a sexual predator in the workplace. I hope you all can't hear my dog right now.

Joyce Vance:

And here we did hear a little growl.

Barb McQuade:

Thank you for listening to #SistersInLaw, with Joyce Vance, Jill Wine-Banks and me Barb McQuade. Kimberly Atkins Stohr will be back next week. Don't forget to send in your questions by email to sistersinlaw@politicon.com or Tweet them for next week show using #SistersInLaw. This week's sponsors are Zola, HelloFresh and Thrive Causemetics. You can find their links in the show notes and please support them as they really help make this show happen. To keep up with us every week, follow #SistersInLaw, on Apple Podcasts or wherever you listen. And please give us a five star review. We'd love to read your comments. See you next week with another episode, #SistersInLaw.

I don't know what's going on upstairs my boxer came down for a while. She almost never comes here. And now my cat is about to invade me. Come on here. You can come up.

Jill Wine-Banks:

Have chicken's flown the coop and hanging out in the kitchen?

Barb McQuade:

No. We just expanded the coop this week. I bought a whole nother section and it's taking over the backyard, Jill, it's great.

Jill Wine-Banks:

Hot tub in the coop for the chickens?

Barb McQuade:

Oh no, you have to make them a sand bath. They dirt bath. They don't like water. So you dig out an area and pour sand and herbs and stuff in, and they're so happy. It just makes them incredibly happy.