

Joyce:

Welcome back to #SistersInLaw with Kimberly Atkins Stohr, Jill Wine-Banks, Barb McQuaid, and me, Joyce Vance. Today, we'll be discussing the announcement by New Mexico prosecutors that they'll charge actor, Alec Baldwin, and others with involuntary manslaughter charges in connection with a shooting death that occurred on the set of the movie, Rust. The Supreme Court's announcement that it's unable to determine who leaked the opinion in the abortion case Dobbs before it was final.

We'll also discuss the latest on a lawsuit filed by Tesla shareholders against Elon Musk. And as always, we look forward to answering your questions at the end of the show. Today, I actually wanted to start us off with a conversation based on a question that one of our listeners sent in. And the question was, "After you do Wordle, do you do the Bee?" And for those of you who have no idea what I've just said, I know that both Jill and I play a game on the New York Times app called Wordle almost every day where you have to guess a five-letter word. And I also play a game called the Bee, where you get seven letters, and you have to use them to make lots of different words. I always finish Wordle. I don't always finish the Bee. Sometimes, there's just way too many possible combinations. But I do really enjoy doing it. I feel like it turns my brain on in the morning. I'm curious if any of y'all do it. And do you do it morning or night?

Jill:

I do it at night. It is part of my bedtime routine of I set an alarm for 10:00 PM which is my first clue that I have to stop eating and start relaxing, although it's also my clue that I start working because I'm a night owl. And I'm better at 11 o'clock at night to two or three in the morning than I am during the day. So that's part of it.

But when I do finally say it's time for bed, I do Wordle. And that is my, okay, now you're turning off your brain. Well, you're right, you're turning on your brain. It's very good for keeping your brain active. And then, I do start Bee. And then during the day, I will go back to the Spelling Bee. I love that game because you get these random words arranged around a beehive. And with those seven letters, you can make five-letter words. And it's amazing how many you can't think of. And then, when you look at the list the next day that they put up, it's like, "Oh, that was so obvious. How did I miss that?" And I enjoy that. Those are my nighttime routines for going to bed.

Joyce:

They are really fun. Do you do it, Kim?

Kim:

I do Wordle in the morning, really, when my husband does. So at first, I was very anti-Wordle because I was annoyed at everybody putting the scores on their Twitter. I was just like, "Nobody cares. Nobody cares about your Wordle score." Then, my husband would do it like every single morning, and he would send it to me. So I don't post mine. But we send them to each other. So we have a light gentle competition about who can get. I got one in two guesses this week, which I was pretty proud of, I must say. But-

Jill:

I do too.

Kim:

... he's usually much better at it than me. I also had one day that it took me all six to get it. But, yeah, I do it in the morning. What about you, Barb?

Barb:

Well, I would probably do it in the evening, except for the fact I do Wordle usually in the evening when it comes out at midnight. For the Spelling Bee, I have to do it in the morning. My husband and I raised to be the first one to do it because we share one subscription, and you can't clear it. And so whoever gets it first, it shows up on our phone. So whenever I tap it to start it up, I'm so thrilled when it says it's fresh, nobody's found any words like, "Yes, I get to go first."

But so often, I open it. And he's already a genius. He's really good at it. So not only has he found some of the words, he's found all the words like, "Ah, boo. Done for the day." But sometimes, what's best is when we do it back and forth, because as you say, Jill, sometimes, they're obvious words that you miss. But if you're doing it with someone else, they find him. And so together, we can do it pretty well. But a lot of times, I know he's in the other room doing it. And I jump on and try and beat him to it.

Jill:

They're both really fun.

Joyce:

I hope our listeners will also send us their stories of whether they do it because, Barb, I honestly had not thought of that. Bob and I do it separately. It would be so much fun to do the Bee together.

Jill:

I can't get my husband interested in these word games. He won't do them. And he's very good at it. So it's really too bad. I'd like to hear from people about posting scores because I got criticized for posting scores. And then, I got people saying, "Oh, please, come on. Join us. You have to post your score." And I thought, "What the heck?" And so, I'm back to posting my scores and interacting with people about whether it's a tough day or an easy day or celebrating because like you, I this week got one in two. I think it's maybe the first or second time that I've gotten it in two instead of in mostly four or five and sometimes six. And very rarely, but sometimes not at all.

Barb:

I enjoy seeing your scores, Jill. Makes me smile.

Jill:

Thank you.

Joyce:

I do too. I love that. You and Stephanie Rule both post your scores. And I like seeing it.

Kim:

Barb. I didn't go to the grocery store. Well, it was on purpose because I hate the grocery store. What do you do to make sure that you were are ready when dinnertime rolls around?

Barb:

Oh, Kim, I don't go to the grocery store anymore. I get HelloFresh. In fact, this weekend, I'm going to be making a delicious lemon salmon dinner for my family because with HelloFresh, you get farm fresh pre-portioned ingredients and seasonal recipes delivered right to your doorstep so you can skip trips to the grocery store and count on HelloFresh to make home cooking easy, fun, and affordable. That's why it's America's number one meal kit.

Jill:

It's not just that you avoid going to the grocery store. You avoid food waste, and you get to be a chef extraordinaire. You get to do all kinds of ethnic cooking that you would never have taken on without the help of the recipes from HelloFresh.

With HelloFresh, eating well in the new year can be stress free and delicious. They have fast and fresh recipes. And HelloFresh's latest line of meals featuring robust flavors and filling portions are ready in less than 15 minutes. Enjoy taste and quality done quick with recipes like falafel, power bowls, seared steak and potatoes with béarnaise sauce or Southwest pork and bean burritos. And Hellofresh's festive fair collection features limited time recipes made with seasonal produce and premium proteins. Get out of the post-holiday slump with these elevated winter classes. It makes us all seem like master chefs.

Barb:

Well, Kim, I'll probably never be a master chef, nor do I aspire to be one. But I am always on a schedule that seems pretty tight. And what I like about HelloFresh is it works with your schedule. Their plans are flexible, and you can change your meal preferences, update your delivery day, change your address with just a few taps on your HelloFresh app. Imagine getting fresh quality produce from the farm to your door in less than a week, allowing you to enjoy the flavors of the season right from home.

Jill:

Go to [hellofresh.com/sisters21](https://hellofresh.com/sisters21) and use code sisters21 for 21 free meals plus free shipping. That's [hellofresh.com/sisters21](https://hellofresh.com/sisters21), and use that code sisters21 for 21 free meals, plus free shipping. You can also look for the link to HelloFresh, America's number one meal kit in our show notes.

Kim:

So it's been yet another busy news week, including the news that actor Alec Baldwin is facing criminal charges in the shooting death of cinematographer, Halyna Hutchins, on the set of the film, Rust, near Santa Fe, New Mexico in 2021. Baldwin was the one who shot around on the set, the one that killed Hutchins. And the film's armor, Hannah Gutierrez-Reed is the one who loaded the gun and was responsible for the weapons on the set. And she'll also be charged. Each of them face two counts of involuntary manslaughter. You guys, I have so many questions for you, prosecutors, since I heard the news of this, so I want to get right to it. Jill, help us understand the nature of these charges, the charges that they face and what penalties they face.

Jill:

It's so interesting. But what's even more interesting to me, and so I'll answer your question, but first, I want to say when we say they will face charges, normally, that means they've been indicted by a grand jury, and they are going to trial. This is really where the prosecutors decided to refer charges and it is now going to go before a judge who will decide whether or not to let them bring the charges. So there's

still a chance that they can talk their way out of this. But the charges that the prosecutor is asking for are both involuntary manslaughter. And that means that there has to be some underlying negligence.

Under New Mexico law, it's a fourth degree felony and is punishable by up to 18 months in jail and a \$5,000 fine. It also includes a lesser included offense of negligent use of a firearm. And the other charge, which is involuntary manslaughter in the commission of a lawful act, which requires proof that it was more than simple negligence, and it's the same punishment of 18 years, but it also has a firearm enhancement which could raise the mandatory minimum to five years because a firearm was involved.

And so, that would be pretty serious. And there's a third person who was charged, I guess would be the correct terminology, but who pled to a lesser offense. So we can assume that the assistant director who has already pled is cooperating.

Kim:

So Barb, we talk a lot on this podcast about the concept of intent. And I think a lot of our listeners are probably thinking, "Well, what about intent?" I think that probably with both of these defendants, the intent was to make a movie, not to kill someone. So with these charges, how does that concept work, Barb, the concept of intent?

Barb:

Yes, Kim. And I'm sure everyone agrees that their intent was to make a movie and not to kill someone. What they've been charged with is involuntary manslaughter. And so, that means it was an accident, but that they were acting under the intent of under the New Mexico law, gross negligence. And what that means is someone failed to exercise the reasonable duty of care in an extraordinary way.

In this case, we don't know all the facts in the public domain and those will matter. The investigators have determined what those are, but I have heard it said that the industry standards are that you check a gun before you hand it to an actor to make sure there's not a live round in it. And so, this armorer clearly fell down on the job there and did not do what the ordinary standard of care would suggest there.

For Alec Baldwin, I have read that it is the industry standard to never point a gun at someone. And so, even though he says, "I didn't pull the trigger," it doesn't matter because the gun did discharge however it discharged whether his finger was on the trigger or he says he had it in a cock's position, and it snapped back. That's why you don't point a gun at another person.

And in addition, Alec Baldwin isn't just an actor in this movie. He was also the producer. And so, if there was something that he did as the producer, that was a failure of the ordinary care that a producer would do under these circumstances. For example, the armorer was also the property master, which has perhaps contributed to a distraction of duties. And so, all of those factual questions will be for a fact finder later, which makes me believe that ultimately a judge will allow this case to go forward.

To Jill's point, all the judge needs to determine is whether there's probable cause. I think it's another question whether a jury finds the facts that will satisfy the guilt beyond a reasonable doubt that's necessary in a criminal case. And I also think there's an awful lot of discretion at work here by this prosecutor to charge this case and said, upon saying that she would pursue charges, that it was important to send a message for deterrence that no one is above the law, and also that in the movie-making industry, people understand that there are serious consequences if you don't follow the proper procedures to ensure that everybody is safe on the set.

Kim:

Yeah. I think that's really interesting how the impact that this will have, not just in this particular case, but on the film industry more broadly. And I think that's something that we will be watching in the months and years ahead.

Joyce, Alec Baldwin is not a typical defendant. And this is not a typical case. And in just thinking about this, it occurs to me that normally a lawyer of a defendant would want that defendant to be pretty circumspect, to not be making public statements about the case and to really try to stay as mum as possible while potential charges panned. But Alec Baldwin has been out there doing interviews. We saw him after the scene happened. He's been doing damage control. He's even filed lawsuits against other crew members in an effort to reduce his own civil liability. How does this affect the prosecutors in this case? And how difficult, if at all, does it make the job of his defense attorneys?

Joyce:

Yeah. It's such an interesting situation. It took so long. There was no suggestion a criminal prosecution was in the works and then sort of poof out of nowhere. This shows up. And sometimes, defendants do something that in the south, we colloquially refer to as pissing off the police. And I wonder if there wasn't some sense of that here, if Baldwin wasn't in some ways too cavalier about his involvement.

And at some point, there was a feeling that he needed to pay consequences. We don't know that. But it's a very unusual situation. And as Barb was saying, we know what we are reading because this is so early that there's not a lot that's out public. But at least for Baldwin's purposes, Kim, because he's got this really strong public presence, all of this stuff would be admissible at trial. It's hearsay. It's out of court statements. They would presumably be offered at trial to prove the truth of what he's saying.

But this falls within a well-known exception to the hearsay rule. A number of them really, at a minimum, one for defendants who make out of court statements against their interest. So if there's something that he's said that has caught prosecutors' attention, they'll very likely be able to offer it at trial. They may even have video that they can play, which is sort of every prosecutor's dream. So it's a real interesting dynamic in this case.

But like Barb says, ultimately, this comes down to what was in his mind when these events were happening. There are four basic homicide crimes, or at least in the federal system, there are. There's first and second-degree murder. And then, there's voluntary and involuntary manslaughter. And the dividing line between the different crimes is the defendant's state of mind.

So when we get down to involuntary manslaughter, there's no intent involved, no malice involved. We are really talking about a form of gross negligence. There are a couple of different variations of involuntary manslaughter. But here, it looks like it would most likely be based on that sort of a gross negligence theory. His public statements are very much to the contrary. Mostly, he's talked about the fact. His shock, his personal sorrow, the fact that he thought that they were doing everything right. So this might be the unusual case where his public statements actually help instead of hurt.

Kim:

That's really interesting.

Jill:

Can I just add the language of the New Mexico statute defines it as producing death commission of a lawful act, which might produce death in an unlawful manner or without due caution and circumspection. That's sort of how they define the negligence.

Joyce:

And we should say that there's also, under the statute, there's some possibility that if you're mishandling a firearm that, that can produce an involuntary manslaughter charge. There's this notion of misdemeanor manslaughter, which essentially means you're committing a misdemeanor. And in the course of the misdemeanor, the death takes place. The prosecutor could have one of those theories. We don't really know a lot yet.

Kim:

Yeah. And Jill, you mentioned the firearm enhancement earlier. Talk a little bit more about that because unlike the underlying crime, which has an 18-month potential sentence, and it could be very likely that in any other case that there may not be prison time sentence at all, the firearm enhancement comes with a mandatory five-year sentence if he's convicted. Why do we have enhancement statutes like that? Why do states have them, ones that come with such hefty penalties? And do you think it's appropriate in this case that the prosecutor is thinking about charging it?

Jill:

So that's two very different questions, Kim. And Illinois, by the way, has very strict enhancements for a number of crimes if you use a gun. And the reason that that exists is a matter of deterring the use of guns because guns can turn deadly. If you're robbing a bank and you bring a gun in, the chances that someone's going to die are much greater than if you brought in a can of mace.

And so, to deter the use of guns and to prevent death from guns, enhancements are added as a way to control the use of guns. Now, that's when you're going in to commit a deliberate crime. But as you said, they were there to make a movie. And there are a lot of factual questions. It is reported that Hutchins, who is the deceased, told him to point the gun at her in a practice round.

So that's one question we have. He was handed the gun by the assistant director who was pled guilty and who said, "Cold gun." So he didn't know that there was anything in it. And so, there are a lot of issues along this line. But in this case, I'm not sure it's really appropriate to add a gun enhancement because it wasn't really part of committing a crime. And so, it seems to me it's much more appropriate when there's an intentional crime that's being committed and you're trying to stop people as opposed to someone who is making a movie, a Western, where guns are used. And so-

Barb:

I agree, Jill. It feels like double counting in a way, right-

Jill:

Yeah.

Barb:

... when the gun itself is part of the crime? Yeah.

Jill:

Yeah.

Joyce:

And I mean, prosecutors love to say bad facts make bad law. I think if they do bring that gun charge here, it could really rebound on them. The courts could react badly to that.

Kim:

So Barb, one of the things that occurs to me about this case is that it really has everything including a special prosecutor in this case. And I thought about this morning, I thought about the fact it's like, "Oh, right." One of the things Alec Baldwin did that we all know was on Saturday Night Live, he portrayed Donald Trump for years. And now, literally, they both have cases where there are special prosecutors. Why is there a special prosecutor in Santa Fe, New Mexico, Barb, handling this case?

Barb:

Yes. A very different scenario from the special counsel situation of Jack Smith or even Robert Hur.

Joyce:

Just give the case to Jack, right? I mean, let him have it.

Barb:

Just what he needs. I've got Mar-a-Lago. I've got January 6th, and I've got the Rust set. This is a different scenario, Kim. This is in the special counsel situation where Merrick Garland has appointed special counsel under the federal regulations, it is because he has determined there is either a conflict of interest of investigating his own boss or his own boss's political rival or other extraordinary circumstances.

Here, in the case of Santa Fe, the prosecutor there, the elected district attorney, I think simply wanted additional help. She said she thought it would move faster, more expeditiously, more effectively if they brought in one person who could focus solely on this. So many district attorney's offices are overworked, burdened caseloads. They're working day and night just to keep their dockets rolling. And the idea that someone could clear the decks to handle a case like this, I think, was not a luxury that the district attorney there had.

So what she did is she appointed a retired district attorney who had spent her whole career as a prosecutor in a nearby county and was even the elected prosecutor there. Although, plot twist, in November, she was elected to this state house. So now, she's got a day job. So that'll be interesting to see how that plays out.

Oh, maybe, now that she has investigated the case, she can turn it over to someone else to try. You know what it's like, Kim? A good example, I think, is in the case of Derek Chauvin brought by the Minnesota Attorney General's office. Remember, they hired that lawyer from private practice named Jerry Blackwell who was an excellent trial lawyer. And they just wanted someone with a lot of trial experience who might be really good with juries, who could just focus solely on this case and not have to juggle the usual caseload of somebody who works in the office. So that's why there's a special prosecutor here.

Kim:

And particularly since this will undoubtedly be a very high profile case, especially in terms of what they normally see in Santa Fe, that makes a lot of sense. Joyce, another thing that this case has, as Jill mentioned, is a potential cooperating witness. What impact do you think that had on the decision to bring charges here?

Joyce:

Yeah. So again, we don't know. It's very intriguing because anytime you see someone who's pleading guilty early, this little blip goes on in your mind and you're thinking, "Oh, could that person be cooperating?" And we don't know here. This is the person who called that the gun was cold when it was, in fact, hot. Maybe there was always a thought that they would let that person plead to a lesser charge or maybe that person has additional information about what went on here that gives prosecutors a better chance at convicting in this case.

And it's, I think, easy to think that here because based on what's publicly known, this is a dicey case. This is by no means a case where the judge signs off on it, let alone where the prosecution gets a conviction. Prosecutors don't usually do that kind of thing, especially in high-profile settings. So I do have to wonder if this witness didn't offer something that makes the case stronger.

Kim:

Well, it'll be dramatic indeed. And we will keep an eye on the developments as they come.

Joyce:

Hey, Kim, what have you done for the planet lately?

Kim:

I'm not going to say it's New Year's resolution because I think those are silly. But I have been trying in many ways to reduce the amount of waste that I put out into the world, particularly plastic waste. And I know trying to do that can feel daunting. But here's a tip. Start small and think about all the little habit changes you can make one step at a time. And that's why Blueland is perfect, because they make it so easy to start a low-waste lifestyle. No massive overhaul of your routine or your life, just making tiny little changes that add up to a huge impact.

Joyce:

Blueland is on a mission to eliminate single-use plastic by reinventing cleaning essentials to be better for you and the planet. And it really works. I can't believe how much we've cut down in our house. We've been using Blueland for about 10 months. T.

The idea is simple. They offer beautiful endlessly refillable cleaning products. Just fill your bottles with water, drop in the tablets and wait for them to dissolve. You never ever have to grab bulky cleaning supplies on your grocery run. And refill start at just \$2 and 25 cents. You can even set up a subscription. That's what I have because we are addicted to Blueland's hand soap, and it's so nice to have it always available. You can buy it in bulk for additional savings from cleaning sprays to hand soap, toilet bowl cleaner, and laundry tablets. All Blueland products are made with clean ingredients that you can feel good about.

Kim:

You should also try their Clean Essential kit, which has everything you need to get started, three bottles of cleaner plus a bottle of hand soap. It comes in beautiful light scents such as Iris agave, fresh lemon, that one's my favorite, and eucalyptus mint. Plus, Blueland has a special offer just for #SistersInLaw listeners. You can get 15% off your first purchase of any product to get you and your year started right, from the amazing scents to the reduced waste. I don't think you'll ever carry another cleaning product. Do your part and fall in love with the way Blueland can refresh your home.

Joyce:

To get 15% off your first order, go to [blueland.com/sisters](https://blueland.com/sisters). That's 15% off your first order right now when you go to [blueland.com/sisters](https://blueland.com/sisters). That's [blueland.com/sisters](https://blueland.com/sisters). And you can also find the link in our show notes.

Jill:

When the draft opinion of Dobbs leaked, it was a big deal. And it was an even bigger deal when the final opinion closely resembled that draft. Chief Justice Roberts ordered an investigation the day after the leak. And yesterday, eight months later, we got the report which failed to identify who the leaker was based on a preponderance of the evidence standard of proof. The report has met with derision and mockery. And so, let's start with you, Kim, and talk about who did Roberts assign to conduct the investigation? And what are her qualifications?

Kim:

So I know we used the term unprecedented way too much. But in this case, it really fits because rarely, I won't say never because there have been leaks out of the Supreme Court before, including Roe V. Wade, given this weekend's anniversary. It's important to know.

But just everything about this case is so out of the ordinary. I've been covering the court since 2006. And just everything about this just blew my mind. And so, when you have a leak like this, there's really not a go-to place for the Supreme Court to go to conduct this kind of investigation.

So Chief Justice Roberts turned to the marshal of the Supreme Court. Her name is Gail Curley. Now, think about her. What her role is essentially akin to Chief of Police of the Supreme Court Building so anything security related in the Supreme Court. So I as a reporter, when I would go cover cases, there are marshals in there that there are the people who I hand... I get a little card from the Public Information Office and I hand it to them to say, "Yes, I am authorized to go into the court and sit in the press section and watch these oral arguments."

They're basically the police of the court. They're tasked in making sure there's not disruptions, that the building is secure. If anything happens, they would investigate it. They're not tasked with conducting some sort of forensic analysis of emails and printers and other things that this kind of investigation involves.

So as this has really not... I don't want to sail her qualifications personally. And she's only been there since 2021. She's relatively new in this role. So this is just something that probably she nor anybody else had contemplated when she took this job. It's not like the FBI. It's not like Homeland Security and other investigative agencies.

So this was already at a disadvantage. But that being said, they didn't turn it over to another agency who does this, the FBI or anybody else who is more akin at doing this. So they took it on. They did the investigation. They had Michael Chertoff, the former Homeland Security Secretary, kind of look it over and he said, "No. There's nothing else I could think they could have done." And that was pretty much it.

Jill:

Yeah. It's really interesting because her background is certainly not in investigations. She's certainly qualified for the job of marshal, which if you read the definition of it, does not include anything about supervising investigations of this nature. Her background is in the military. So Barb, let's talk about the report. It identifies crimes that may have been committed in connection with the leak. And so, maybe following up on Kim's reference, why didn't they use the FBI to investigate possible crimes?

Barb:

Yeah. I'm not sure they could have here. If you look at the DIOG, it's Domestic Investigations Operations Guide for the FBI, it says that the F B I can get involved in an investigation only when there is an allegation that a crime has been committed. And here, there's a leak. It is certainly a violation of the employment manual, the employee handbook of the court. It's certainly unethical. But it isn't necessarily a crime.

Now, they do say it's possible that someone had the motive of leaking it, of obstructing justice somehow. But that requires a little more speculation, I suppose. Maybe someone could make that argument that there's a predication here. And now, people have signed statements to the marshal, Gail Curley. I suppose if there's a lie in those statements, that could be a basis for criminal investigation. But we don't know that anybody has lied.

And so, I don't know that they could have gotten the FBI to investigate. I suppose there's also the case, if you're Chief Justice Roberts, some concern about separation of powers. You, as the, court want to keep it in house and have someone within your own organization conducting this investigation as opposed to somebody from a separate branch of government so as to keep your own house in order and your own secret-secret.

I think a third alternative that might have been better here is what most other organizations do. I know universities and corporations will hire an outside law firm to conduct an independent investigation. And that is a way that you can have people who are experienced. The marshal sounds like she's an incredible person, has done an awful lot of things, but not a lot of experience conducting an internal investigation like this.

Maybe, that would've been a way. But either way, without a criminal investigation, they were missing some of those tools that they could have used like a grand jury subpoena to bring people in under oath and have them testify as opposed to simply saying, "So did you do it? Are you the leaker?" "Nope. Okay. Thanks. Have a good day. Who's next? But I think those are probably some of the considerations that were given into who was the right person to conduct this investigation.

Jill:

So let's look at that investigation and talk about the scope. And Joyce, did it seem to you that it focused on opponents of Dobbs? I mean, the cover note from the Chief Justice said this was no mirror misguided attempt at protest. And so, who did they interview? Well, let's save that for Kim. You just talk about the scope whether it was focused strongly.

Joyce:

Yeah. I mean, I think what you're really asking, was it biased in its inception, right? Did they have a preconceived notion, or did the chief justice have a preconceived notion about who was responsible? And did he try to conduct an investigation that would prove that? It's hard to say for certain.

I mean, frankly, I found this report very frustrating to read. It's not an exercise in transparency. But you do get some sense that they were, in fact, looking for disgruntled people. I think that they actually go so far as to say that they focused on people who were disgruntled with the decision in Dobbs.

And that really goes back to Barb's point about the fact that this should have been conducted by someone who is independent and outside of the court. Some of the restrictions on the scope of this investigation, that I know Kim is going to talk about, are very puzzling to me because when you go into an investigation, you are supposed to be figuring out what happened. You're not supposed to walk in and say, "I think X happened. Let's prove X." And to the extent that that's a plausible reading of this

report, then, all it does is it further damages the public's confidence in this court. And that public confidence is, I think, at an all-time low, certainly, at least in our lifetimes, at an all-time low. The court didn't do itself any favors here.

Jill:

So Kim, that does take us to the key question here of who was interviewed, how many people were interviewed? Were there obvious candidates who should have been interviewed but weren't?

Kim:

So, yes. So more than a hundred employees at the court were interviewed in more than 125 interviews. So some of them were brought back in as part of this investigation. Now, I've read this report multiple times. And it seems that according to my reading, none of those 100 people were the nine justices.

And it's very hard to tell if the nine justices were involved in this investigation at all, them or their family. Well, it wouldn't have been their family members because they're only talking about employees here, nobody who is outside of the court, which I found very interesting. It gets to the point about trust. So on the one hand, there is a case to be made that, look, the Supreme Court justices are the people who believe deeply in this institution, and that the rules should be followed and that its integrity should be protected.

And so, there's no need to question a Supreme Court justice in a case like this. Of course, they wouldn't do something like leak an opinion. I would think maybe 10, 12 years ago, that might be the case. I think especially when it comes to public transparency and public trust right now, I don't think that that was the right way to go. I think that at the very least, it should have spelled out clearly the role that the justices played in this investigation, whether they were interviewed or not. And that's one way I was really disappointed in this report.

To get back to Joyce's point about who was interviewed and whether the point about people, they paid certain attention to people who may have been disgruntled or upset by this opinion. I was struck by just in the first paragraph in this that, as you said, Jill, the leak of the draft opinion, the leak was no misguided attempt at protest.

When I read that to me, at protest, to me, there was an inference of one side or another because if it was a protest, then it was coming from one side of the court.

Barb:

So that's a good point.

Kim:

And I just thought, John Roberts is a very thoughtful man. And he chooses his words very carefully. And when I saw that, I thought, "Huh." It felt to me like there was a presumption that it came from one side of the ideological spectrum of that court. So right away, I was just like, "Oh boy, here we go." So maybe that was inadvertent, I don't know.

But these are little things to me that's just like, "Look. The people on this court know what the public is struggling with them right now." They know what the Dobbs decision did to this nation. And so, for them to put out a report that's worded in that way that has this idea that maybe somebody who was angry about Dobbs and stuff, we don't know. It could have been somebody who wanted to hold the conservatives to their positions so that they wouldn't change them once this became public. We don't know. So these are all things that I have big problems with.

Joyce:

Hey, Kim, can I ask you a question?

Kim:

Yes.

Joyce:

Can I ask you a question because I read that first part of what I assume is John Roberts' cover letter. He didn't sign it, but I think it's reasonable to assume that that's him. And I had that exact same reaction the first time. And then, the second time I went back and read it, I thought, "Well, he's saying it's no mere protest." Is he implying that maybe it was an effort to consolidate votes on the Republican side?

And I feel like the whole report is permeated with that uncertainty. I'm stunned that no one has gotten out of the court an official statement about whether the justices themselves were questioned or not, because that's super equivocal in the report. They actually go to the lengths of citing the judicial canons of ethics, which maybe implies that they talk to the justices. But then, like you say, there's this real disconnect where just the sort of questions that they ask of justice, it's not a justice.

And you've got to really think here. You're a moron if you are a law clerk and you are willing to compromise your entire career to get a draft of an opinion out a couple of weeks early, right? The only people here who can leak with impunity are the justices. So if you were doing Barb's independent outside investigation, they'd be a very logical place to ask questions. The court's going to have to issue a statement here.

Barb:

So I agree with you and let me just say I agree. But I think there are some serious clues in how this is written that suggest that no justice and no justice's spouse were interviewed. And that's despite [inaudible 00:40:37] times.

Joyce:

Well, it's clear no justice's spouse was interviewed because they're limited to employees.

Kim:

Yeah. There's only employees.

Jill:

Yes. And when they say employees or personnel, which are the two words they use in general, they also go on to say that anybody who was interviewed could have been fired. Well, you can't fire a justice. So to me, that was like saying, "Yeah, you can't." No justice was interviewed.

Joyce:

So I agree with you that that's there. But it's equivocal because judges are employees of the court. If you're a judge and you're asked, where do you work? I'm employed by the Supreme Court or whatever your court is, that one comment though about being fired-

Jill:

You can't be fired. Yeah.

Joyce:

I agree. But justices can be asked to resign.

Kim:

That was, in terms of who was interviewed. What I said was it's unclear whether any of the justices were even involved. It doesn't have to be through an interview. And so, that's what spoke volumes to me.

Joyce:

I mean, Justice Roberts could have gone to all of the other justices and said, "Okay. It's just who did it.

Kim:

Did you do it right? Yup.

Joyce:

Yeah,

Barb:

I'm agreeing with Jill on this one. I think it's obvious that they did not interview the justices and that if they had, they'd say so. And so, the failure to speak means well, we don't want to flag it, we want to advertise it, but we're not going to say so.

Kim:

But the fact that we're engaging in this exercise is a shame because it should have been clear enough that that should have been clear for all the American people.

Joyce:

It's just more evidence that this court is not fully committed to transparency, which is the whole heart of the problem.

Jill:

Right. And it's certainly a reflection on the leadership provided by the Chief Justice, I'm afraid. And so, let's look at the review by Chertoff, which has been mentioned. Who is he? What's his background? It's more than that he was Secretary of the Homeland Security. And did it help at all to persuade you, Barb?

Barb:

Yeah. It's kind of funny, isn't it? We've got this incredible marshal on our staff. We have entrusted her to do this whole investigation. And what she says goes. And then in the end, oh and by the way, we had this other guy look over her shoulder and say, "Yes, she did a good job."

And what is that? So I thought that was kind of weird. But I suppose it was getting a second opinion, knowing that there would be critics like us who would say, "This is sort of unsatisfactory, that there is no resolution to this, that perhaps, we ought to have a second opinion, take a look at this." But Michael Chertoff is someone who has been in government for his whole career. He was a US attorney. He

worked in the criminal division in the Justice Department. He was a federal judge. He was Secretary of Homeland Security.

And now, he runs something called the Chertoff Group, which was one of these security firms. So he does have really impeccable qualifications, I think, to look at this. And so he issues a, I mean, it's like called a one or two pager, this very short little document that says, "Yup. I looked at it. Looks pretty good to me. Can't think of anything else you should have done. Here are a couple recommendations. Be more careful with those documents, folks. The end."

And I'm sure he cleared like \$100,000 to write this thing. But in their defense, I suppose they are bringing in somebody with some very strong bonafide to review and give this second opinion, I suppose, in hopes of giving the public some assurance that this was not just some whitewash job, that he's putting his name on it and saying that I reviewed everything she did. And I agree that she did all she could do. And this result was inevitable.

Joyce:

Yes, spoiler alert. It was just a whitewash.

Jill:

Given her background and given his background and given your comment that maybe an independent law firm should have been doing it, why wasn't his firm hired to do the investigation, not just to sort of, yeah, second guess it? So now, as I said, this document has been subject of mockery and derision. So I'm going to ask each of you two questions. First question is, what made you laugh in the report? So Joyce, you go first.

Joyce:

So absolutely nothing. I thought that this was just such a gloomy experience to read this. I've spent so much time as an appellate lawyer. I appreciate how important it is for people to have confidence in the courts. That's not always easy because courts are going to rule against you part of the time or do things that you don't like. And the fact that the court did nothing whatsoever to restore public confidence through this report, I thought, was super depressing.

Jill:

And what about you, Kim?

Kim:

Well, I mean, I just thought so much of it was laughable. The fact that, I mean, instead of the Keystone cops, I kind of called it Keystone CSI. We checked the chips of the printers that were in remote locations, and we could not retrieve the data. We checked the fingerprints that could have been found on this document in, and we got no info. So they were doing this forensic analysis that turned up absolutely nothing.

And another part that stood out to me is the part that said the interviews provided very few leads concerning who may have publicly disclosed the document. Very few of the individuals interviewed were willing to speculate on how the disclosure could have occurred or who might have been involved. So I'm like, "Okay. So wait a minute. This whole point is that in the Supreme Court, you're not supposed to snitch."

And so then, they went and asked people, "Are you going to snitch?" And then, they didn't snitch. And they put that in report. Ike, "What?" Of course, they're not going to tell on each other. And then, it's also the part about how some of the clerks had to amend their affidavits because they didn't think that it was wrong to talk to their spouses about their work once this leak happened. And I just thought about who would not go home after having the craziest workday ever and tell your spouse, "Oh my God. This was the craziest workday ever."

And they didn't think that that was against the rules and the fact that there were basically no rules. There were no rules governing how to keep these deliberations completely and solidly secret. It was such a mess that I literally chuckled my way through. I agree with Joyce that this is deadly serious. But I chuckled my way through this whole report because it's just so laughable.

Jill:

And what about you, Barb?

Barb:

Yeah. I don't know whether they laughed either because I do think it's pretty sad, but I had just the opposite reaction to the spouse references to Kim, which was I can't believe all these people are talking to their spouse about what's going on with the court.

Joyce:

No kidding.

Barb:

So my husband and I have worked in the US Attorney's Office on separate grand jury matters for our whole careers. There was a time when he was out of the Detroit office. There's a time now I'm out of the Detroit office. And we do not talk about cases. I do agree, Kim, that it's likely that they're saying this crazy thing happened today, and I was interviewed and those kinds of things.

Sure. That is a crazy day. But in terms of talking about the case that, wow, this really important opinion is coming down and we're about to reverse 50 years of precedent of Roe versus Wade. I would expect to keep that confidence. And the idea that they're all talking about it with their spouses, it really makes me think twice about what Clarence Thomas and his wife, Ginni, are talking about. That's for sure.

Kim:

Well, and we don't know, A clerk is not a prosecutor. A clerk could have... They could have just realized they're about to sign an affidavit that says, "If this is a lie, you can be prosecuted." And so, I would too say, "Okay, I may have gone home and told my husband I had the craziest day, and you're going to see why," and feel fearful that that might lead to my prosecution, but they're not. I think that this is a little different.

Jill:

So anything else that stood out to you about this report that you want to mention to our audience?

Joyce:

So I think it's sort of stunning that the court thought that this would satisfy the American public. And I think it highlights what we've been talking about. But it goes a little bit beyond the lack of public confidence. And it suggests that perhaps there's a little bit of an ivory tower syndrome going on over at the court, and that they're very out of touch with how savvy the public is and how carefully the public is watching them.

Barb:

May I'll say one other thing? I'd be a little bit of a contrarian, Joyce. Have you ever conducted a leak investigation? It's not easy.

Joyce:

I can't tell you, Barb. If I were your spouse, you'd tell me, "I bet." No, I will tell you that, Bob, at one point notoriously was asked by somebody in public about a case that I was working on when I was a line prosecutor. And he just sort of looked floored. And he is like, "Joyce is working on that?" And the reporters at the local papers called me and said, "Your husband just paid you the nicest compliment" because he didn't know because we never talked about anything.

Barb:

No. And I expect to. But on the leak thing, there was a time when there was a grand jury leak in a case we were working on in my former office. And we wanted to get to the bottom of it. We are not going to tolerate leaks. So we did an inquiry within the office and we did not find anybody who did it. I was satisfied it didn't actually come out of the office. That it probably came from somewhere else, probably a witness, which is more likely because they are permitted to talk.

But it made me realize just how hard it is to conduct one of these, because people aren't going to confess to you. It would be career suicide to say, "I'm the one who did this." And with the processes they had at the court, which I think is one thing that is a useful revelation here, is just how sloppy they are. They print out these copies and they're just lying around all over the place. Everybody gets access to them. I think especially when they're working from home, I think it would've been very easy for someone to have printed it, left it, and a household worker or a family member to have gotten a hold of this thing. Who knows? But I think it is more difficult perhaps than people realize, especially when you don't have tight controls over your documents to solve a leak case.

Joyce:

And when you don't have criminal investigators pursuing that investigation.

Barb:

Oh, this just in. Breaking news by Greg Starr.

Kim:

Oh my gosh.

Barb:

Supreme Court marshal says she did question the Justices.

Kim:

Oh. Oh wow.

Jill:

Oh-oh.

Barb:

Proof that you don't talk to your husband about what.

Kim:

See.

Barb:

[inaudible 00:51:32]

Kim:

He did not. He did not tell me that.

Barb:

Three minutes ago, breaking news three minutes ago.

Joyce:

Jill, I've been thinking a lot about our planet and all the ways we can help it. Have you?

Jill:

I always do because in part, I have a goddaughter and her family who are so good about conserving everything and composting and all of that. And so, I try to make them proud of me. And one of the things that you can do is to use real paper. It's a new year, and you know what that means. Podcast ads are talking about New Year's resolutions. And this ad is no different. But right now, it's the perfect time to upgrade something that you use every day and probably never even think about, toilet paper. Real Paper is one of the easiest upgrades that you can make in your home. It's the best premium, sustainable toilet paper available. And they'll deliver it straight to your door for free.

Joyce:

Reel is the best kind of eco-friendly product because it doesn't feel like you're sacrificing something to help the earth. That's because Reel Paper is made from 100% bamboo. That means no cutting down trees. And it's certified by the Forest Stewardship Council. Better yet, Reel is always shipped in plastic-free packaging. Reel is also a certified B corporation. And with every purchase you make, they are planting trees through their partnership with one tree planted.

That means with Reel, you're helping to save old growth forests. Something that we should all really be trying to do. You're contributing to a product that's environmentally friendly and also feels soft and does everything you could want. Reel Paper is available in easy, hassle-free subscriptions or for one-time purchases on their website.

Jill:

And all orders are conveniently delivered to your door with free shipping in 100% recyclable plastic-free packaging. If you head to [reelpaper.com/sisters](https://reelpaper.com/sisters) and sign up for a subscription using our code, sisters, at checkout, you'll automatically get 30% off your first order and free shipping. That's R-E-E-L-P-A-P-E-R.com/sisters, or enter promo code, sisters, to get 30% off your first order plus free shipping. So let's make a change for good this year and switch to Reel Paper. Reel Paper is for the planet. You can also find the link in our show notes.

Barb:

A trial began this week in San Francisco in a case brought by investors against Elon Musk. This case has nothing to do with his ownership of Twitter though. This case is about his role as CEO of Tesla, the electric car company. And Twitter does have a role in this case however. Jill, can you tell us about this lawsuit? I mean, why are Tesla investors suing Elon Musk? What's their claim?

Jill:

They're claiming they lost billions of dollars because of a tweet that he posted before he owned Twitter. He posted that he was going to take Tesla private at \$420 a share, and that funding was secured. That was not correct. And it was reckless to have said it. And in fact, the judge has basically said, "Yeah. It's basically you got summary judgment on the fact that it was false and that it was reckless."

Now, what they have to prove is that they lost money because of that tweet. And that's going to be a hard thing to do. But I think there's probably pretty much evidence that the price of the stock was altered by that statement. It went up. And then, it crashed. And when it proved untrue, it just went down. Some of them lost money on options that went underwater because they had bought options either to buy at a certain price, which was no longer going to be valid, or they had promised to sell at a certain price, and that was going to be a loss for them as well. So that's what the case is all about.

Barb:

So imagine that Elon Musk making a reckless comment on Twitter causing disastrous results. Oh, wow. Unusual. So Kim, there was also already a lawsuit brought by the Securities and Exchange Commission against Elon Musk for this same statement. What is the SEC, and what happened in that lawsuit, and why doesn't that resolve all of this?

Kim:

So the SEC is an independent federal agency that is tasked with enforcing securities, federal securities laws, particularly laws that protect against securities market manipulation. And they bring both civil actions in court as well as administrative enforcement actions against both companies and individuals that may violate these laws. So you're right, Musk was sued by the SEC, and they accused him of knowingly making false and misleading statements. And that case was settled.

And in that settlement, Musk agreed to step down as Tesla's chairman, but he remained the CEO and he also paid \$2 million in a penalty and agreed to some compliance measures. But the one thing he did not do is admit or deny the allegations made against him in that. So that's what leads us to this current suit.

Barb:

Interesting. Joyce, do you think that if there's a big jury verdict against Elon Musk in the Tesla case, it would teach him a lesson about how he should conduct himself on Twitter, either as a user or as its owner?

Joyce:

So Barbara, are you asking me if the conventional wisdom applies to Elon Musk?

Barb:

Yes. No.

Joyce:

Because I think, it's a conventional wisdom thing. The threat of large jury verdict or an actual jury verdict will deter somebody from continuing to engage in misconduct and maybe, hopefully, will deter others too. And it's a tough call with Musk, although he has lost a lot of money, he's still extremely wealthy. And it may be that he will simply view that as a cost of doing business, or perhaps his condition is now changed, and maybe, he will take it more seriously.

But ultimately, it looks to me like it's really the SEC investigation that you and Kim talked about that's gotten under his skin a little bit more. He's actually back in court challenging the terms of the settlement there because he has to have his public statements reviewed by a lawyer, so he can't tweet about Tesla without having a lawyer look at it. That seems to really bother him, perhaps even more than a large money judgment would.

Barb:

Well, and then let me ask you the opposite question. What happens if he wins in this case? If he prevails against the Tesla investors, what effect could that have on El Musk?

Joyce:

It's like the little kid who gets away with doing something, right? The little kid who comes up with the story, "Oh no, mommy, it wasn't me that was turning up the thermostat. It was a ghost. It was the cold wind that turned up the thermostat." I think that that would be Elon Musk unleashed.

Jill:

I have been loving Noom and it has made such a difference. It doesn't even have to be your New Year's resolution. It should just be your lifetime resolution. And I know, Barb, that you've had great success with it.

Barb:

I have. Jill. In fact, I'm a bit of a noom evangelist. I'll see people who haven't seen me in a while and they'll say, "Wow, you look great. Have you lost some weight?" And I'll say, "Well, have you heard of Noom?" And usually, my husband will say something like, "Oh boy, here we go."

And I then usually go on a long proselytizing about the virtues of Noom. But it has worked so well for me. I lost a lot of weight that I put under in COVID, and I've stayed. I've kept it off. But more importantly, I feel fit. It's not just the number on the scale. I feel healthy. I'm eating good things. I have really replaced my eating by eating. It turns out if you eat vegetables and lean meats, like it really does make you feel better and leaner and more energetic.

Who knew that they were telling you the truth all along. So whatever your reason is for wanting to make a change, Noom weight is ready to help. Noom weight's psychology-based approach empowers you with the knowledge and support to build lasting results. The Noom app has helped more than 4.6 million

people like you improve their health. And it's super easy to use. Noom knows every journey is different. So your daily lessons are personalized to you. It's the perfect step in the right direction.

Kim:

One thing that I really like about Noom and the fact that it makes you think about what you do differently is how your habits change in ways that you don't even necessarily realize they have. I don't know if you have on your phone. My Siri will tell me, "Hey, you walked more steps this week than you did this time last year, or you had more active energy than this time last year."

And it's not because I'm trying to do. It's just that through that consciousness, I've changed the way I do things, and it's made permanent changes in the way that I live. And I'm really appreciative about that. It helps us change our habits because Noom Weight shows you how to pursue the goals you set for yourself and get you to them.

It's about progress and what you want, not someone else's idea of perfection. It teaches you about your cravings and helps you find balance to build better habits. Plus, there's a science behind it. You'll learn your relationship to food and how cognitive behavioral therapy can take your changes to the next level. Knowledge is the key to progress and success. And Noom truly gives you the confidence, knowledge, and plan you need to get there.

Barb:

We all have a lot going on. So I love it that Noom Weight gives you the control to decide how much time you use it. You can choose anything from a five-minute check in. I can do it in about two to in-depth personal coaching. Active Noomers lose an average of 15 pounds in 16 weeks, and 95% of customers say Noom weight is a good long-term solution. So get empowered and stay on track with Noom. You'll get nourishment, not restrictions.

Kim:

Stay focused on what's important to you with Noom Weight' psychology-based approach. Sign up for your trial today at [noom.com/sistersinlaw](https://noom.com/sistersinlaw). That's N-O-O-M.com/sistersinlaw, to sign up for your trial today. And check out Noom's first ever book, The Noom Mindset, a deep dive into the psychology of behavior change available to buy now. Anywhere, books are sold. Find the link in our show notes.

Joyce:

So every week, our listeners send us thought-provoking interesting questions that help to make this our favorite part of the podcast. Please, email your questions for us to [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet using #SistersInLaw. If we don't get to your questions during the show, keep an eye on our Twitter feeds throughout the week because we'll answer as many of your questions as we can there. But this week, we have some really great questions, Jill. This first one has definitely got your name on it. It's from Janet, and she says, "I'd like to volunteer for worthwhile causes. How can I get involved in advancing the Equal Rights Amendment?"

Jill:

I am so glad that Janet asked that question because there's a lot you can do. And next week has a lot of anniversaries that involve the Equal Rights Amendment. So here's some of the things. And I will post this on our show notes so that you can get the exact links. But first of all, you can contact your congressional

representatives and senators and ask them to take action to have a resolution that says that the amendment is the law of the land, that no further action is necessary.

And even if your congressman is a blue state person, they still need your support. You can write to the White House. You can write letters to the editor or write an opinion piece and share them widely. You can join groups that are supporting the Equal Rights Amendment such as Vote Equality, the ERA coalition, NAU, the AAUW, Zonta and the League of Women Voters.

And then, you can ask your state legislatures to pass resolutions. And there's one in Illinois right now filed by Representative Jennifer Gong-Gershowitz. It affirms the ERA and ask the various branches of the national government to take action to do the same. So I'll post that on our show notes.

Joyce:

Second question, Kim, I think, is for you. Everyone is talking about the freshman member of Congress from New York, George Santos or whatever the heck his name is. What do you expect will happen to him? Can he be removed from the House? Could there be a do-over vote in New York, or are we going to be stuck with him for a while?

Kim:

Yeah. We actually got a lot of questions about that, particularly about what voters who voted for him and feel duped can do. And the answer is, look, there's no recall mechanism for federal elections. So that is unlikely to happen really. The only recourse for voters is to, if he runs for reelection vote in that election and make your opinion known.

Now, what happens within the Republican caucus is different. There are rules within that. He's been seated on committees. But Kevin McCarthy has hinted that it's unlikely that he'll get a security clearance, for example. But whatever happens to him would have to be under the rules of the House as per the Republican caucus. And Kevin McCarthy has not indicated any willingness, given his very slim majority that is going to happen. So I think if George Santos wants to stay, in all likelihood, he will stay at least for these two years.

Joyce:

Barb, last question is for you. And this is such an interesting one as long as we're on the subject of Kevin McCarthy and Congress. This is a very interesting house that seems intent on doing as much as it can do to help out the former president. And Sue asks whether it would be possible for them to expunge an impeachment of a president.

Barb:

I think technically, no. The Constitution describes what impeachment is. It doesn't say anything about expungement of an impeachment. And so, I think technically no. But it probably doesn't stop Congress from passing some sort of resolution that says so. He was never convicted. And so, you don't really need to expunge an accusation. So it doesn't have any effect.

But I imagine as a PR stunt, I could imagine this Congress passing some sort of resolution to expunge because how do you ever challenge it? I mean, I'm sure there'll be members of the Democratic Party who challenge it. And then, maybe the next time they take the house, they will pass a resolution to undo the expungement. But, Jill, do you have thoughts on this? You're our impeachment guru.

Jill:

I know. Well, the one thing is, had he been convicted, he could not be pardoned. That is in the Constitution itself.

Barb:

Except in matters of impeachment [inaudible 01:08:08]

Jill:

Exactly. Yeah. So he could not be pardoned. And I agree with you. It would be considered special legislation, almost specifically targeting a person. And that is never allowed. I had that problem when I was general counsel of the Army, and there was a need to help actually a soldier who had been injured. And it was very difficult to pass specific legislation to help a specific person. So I think you're right. But the political clown show will probably try to do something like that.

Joyce:

Thank you for listening to #SistersInLaw with with Kimberly Atkins Stohr, Jill Wine-Banks, Barb McQuaid, and me, Joyce Vance. You can send in your questions by email to [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet them for next week's show using #SistersInLaw. Given what's been going on, I'm sure y'all will have a lot of them. Go to [politicon.com/merch](http://politicon.com/merch) to buy our shirts, hoodies, and other goodies.

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Kim:

Hey, Joyce. How did the fried chicken come out, or have you tried to make it yet?

Joyce:

Well, we didn't make it. Y'all, Bob wants to make fried chicken and he wanted to put it in a really deep pan, like a soup pot and fry. And I said, "Honey, I don't think that that's how Kim did it." So I texted Kim and I was like, "Tell me what pan you use to fry chicken in." And she graciously sent a photo. So we are already. But I'm a good Jewish girl. I cannot fry chicken. I don't deep fry. But I'm hoping that Bob can. His dad used to make fabulous fried chicken, and he used to make fabulous fried okra. So I'm hoping it's-

Kim:

You can.

Joyce:

... [inaudible 01:10:22] Bob can do it.

Kim:

Yeah, it's not a deep fry. Like I said, I use a cast iron pan. So you put it in and you turn it. It's not deep frying. It's just frying, if that makes sense.

Joyce:

Yeah. He thought it was going to go in some big thing full of oil that was going to make a huge mess in my kitchen.

Kim:

The top of it at first will be outside of the oil. That's okay. You turn it. It's okay.

Joyce:

He got it. Thank you, Kim. Kitchen tips from Kim. Everyone needs them. It's a new podcast.

Kim:

#SistersInLaw Cookbook, I'm just saying.

Joyce:

That would be so much fun. We could get-

Kim:

I'm just saying.

Joyce:

... to send in recipes. Jill, don't you have a recipe for cauliflower soup?

Jill:

It's one head of cauliflower that you core, break up into florets. You put it in four cups of boiling water with two teaspoons of salt. You boil it for about five minutes, and it gets soft. And then you put all the cauliflower in your blender, fill it halfway up with the water that you boiled it in and blend it. And you can add salt, pepper, butter or olive oil or nothing. And that's it. And you can make it... I don't leave it pureed. I leave it with a little chunkiness in it. And it is just-

Kim:

So the broth, no other ingredients needed.

Jill:

Just the broth that the water that you from cooked it in.

Kim:

From the cooked-

Jill:

So it's like when you have your blender filled this high, you fill it halfway with the water. Sometimes, you need to add more. It depends on the texture of the cauliflower. I added a little more than half this time. And it was thick and perfect. It was delicious.