

Kimberly Atkins-Stohr:

Welcome back to #Sistersinlaw with Joyce Vance, Barb McQuade, Jill Wine-Banks, and me, Kimberly Atkins-Stohr. Today we will be discussing the latest in the Trump investigations and indictments, also how state Republican officials are trying to subvert voter power and the newly announced special counsel in the Hunter Biden case. And as always, we look forward to answering your questions at the end of the show. Remember to go to politicon.com/merch as well to buy your shirts, like my T-shirt that I'm wearing right now. Totes and other goodies while summer is still summering. And we have so much to get to. We all had to turn on a dime because a lot of breaking news was happening as we were prepping for this.

Before we get to that, I would like to talk about another bit of very important news. Our own Watergate girl, Jill Wine-Banks, was honored by the American Bar Association with the 2023 Margaret Brent Women Lawyers of Achievement Award. She was feted and we are so proud of you, Jill. Congratulations.

Barb:

Congratulations, Jill

Jill Wine-Banks:

Thank you so much. Thank you. Thank you. It's embarrassing to talk about, but it was really a lovely ceremony, really well choreographed. And there are five winners this year, and the other four included Melissa Murray, who is of course our friend and colleague from MSNBC, Chief Justice of the Hawaii Supreme Court, who I have consoled and written to because we became friends there without any knowledge of what was happening in Hawaii. So it was an extremely great group of women and the audience was really wonderful. And I was joined by my grand goddaughter, three former presidents, well, an incoming president, Mary Smith of the ABA, two former presidents, one of whom was also a justice of the Michigan Supreme Court, you guys.

Dennis Archer, also your former mayor, and the first ... the defense counsel in my first solo trial, Dennis Archer and Laurel Bellows, who is a dear friend from Chicago, but also a former ... the best part of it, if I could just say, was reading the letters of support that Michelle Thorn who put this nomination together, got from people. It's sort of like hearing your obituary while you're still alive. I heard all these wonderful, nice things. It was phenomenal, including from one of my personal heroes, Hillary Clinton, who supported my nomination. And yeah, I thought it was pretty impressive to have all these bar presidents and-

Kimberly Atkins-Stohr:

That's a big deal.

Jill Wine-Banks:

Yeah, and they put together a movie about each of the winners that included my college roommate and Richard Ben-Veniste, my Watergate partner, and photographs from all parts of my life with wonderful hairdos. My God, really horrendous. Poofy.

Barb:

We need a couple of shots of the hairdos in the show notes.

Kimberly Atkins-Stohr:

Never horrendous. Jill Wine-Banks has always been one of the most fashionable, stylish humans on the planet. Let's tell it like it is.

Barb:

Yeah. I want to see the 70s hairdo.

Jill Wine-Banks:

Yeah. Wait until you see my law school graduation picture. My God. Unbelievable. Unbelievable.

Kimberly Atkins-Stohr:

Well, that is really amazing, Jill. We're very proud of you. I've done a little work with the ABA over the years and I have to say, you are a legend in that organization. Everyone has so much respect for you and this is well deserved.

Jill Wine-Banks:

I did use the time there to sort of petition people about cameras in the courtroom and I think I made some connections for people who were, and I did see that one of the younger members of one of the teams during Watergate had a piece in the New York Times today saying it would be a mistake to televise the trial, and I cannot disagree with him more. I might even try to write a letter to the editor complaining about his offer.

Barb:

Let me just say I love it that while Jill is there to get an award for her advocacy as a lawyer, she is still advocating as a lawyer. So well done, sister.

Kimberly Atkins-Stohr:

Yes.

Jill Wine-Banks:

Kim, I hate to waste leftover food and I hate to use plastic to wrap it up, but I found a new thing that lets me use compostable bags. Have you heard of HoldOn bags?

Kimberly Atkins-Stohr:

I have, and we use them in this household. Yes, it really gets you around that catch 22 of wanting to save and not waste your food, but also not harm the planet while you're doing it. Did you know that climate change could be irreversible by 2030? That's less than a decade away, which is why it's more important than ever for us to make thoughtful changes that make a big impact when it comes to caring for the earth. And it can start with a better way to go about doing our daily chores with a better bag.

Barb:

HoldOn also wants to be part of the growing movement away from single use plastic, which if you ask most experts, is the single worst kind of plastic at every stage, production, disposal and decomposition. Plastic bags are doing harm to our earth, our water and even our bodies.

Joyce:

HoldOn trash and kitchen bags are heavy duty, plant based, non-toxic and 100% home compostable, which means they break down in weeks, not decades without filling up our landfills or polluting our oceans and their zip seal kitchen bags come in sandwich or gallon bag sizes to fit all your needs from holding carrots to crayons.

Jill Wine-Banks:

To shop plant-based bags and replace single-use plastics all over your home visit, holdonbags.com/sisters or enter sisters at checkout to save 20% off your order. Sustainability has never been more simple. That's holdonbags.com/sisters or enter sisters to receive 20% off your order. Small things can lead to lasting change, if we stop and say, HoldOn. Thank you. HoldOn for sponsoring this episode. You can also find the link in our show notes.

Barb:

Well, we saw a number of developments this week in the Trump indictments, plural. On Friday, the court in the election interference case in the District of Columbia. That's Judge Chutkan held a hearing about a proposed protective order and if we're going to be arguing about protective orders, I think we can see that these cases are going to be anything but routine. Joyce, I'm sure you've dealt with protective orders in criminal cases. What is a protective order and why would the government want it in this case or in any other case?

Joyce:

Yeah, this is such a good question, Barb, because I think sometimes prosecutors and lawyers generally are guilty of assuming everybody knows what we know. Protective orders are so routine, so basic that we've glossed over it, but here's the bottom line. In a criminal case, and this is also true in many civil cases, parties turn discovery over to each other. And in criminal cases where the government is turning over its evidence, which it's required to do, so a defendant can have due process, some of that information needs to be very carefully guarded. There are some prototypical situations in my mind, the most important one is evidence that could involve the safety of a witness. Something as simple as putting out into the public domain.

A witnesses say home phone number or address could result in serious consequences for them. There were cases before courts got aggressive about protecting personally identifying information where witnesses were exposed to identity theft, but also, there's a more general reason, which is that cases are meant to be tried in courtrooms, not in the public. And you don't want defendants going out and of course, with Trump it's an extreme case because he just has this large megaphone strapped to his mouth every time he uses social media. This notion of pre-trying the case exposing potential juries to evidence before the case is tried in the courtroom is pretty dangerous.

So the government uses fairly standard forms for protective orders that constrain the parties from talking about the case publicly require that evidence be used only in the courtroom. And these are so routine. They're imposed in a lot of cases, it's hard to believe, really many cases go forward that are all but the simplest cases without them these days. And they provide accountability so that if one of the parties exposes that evidence there are consequences.

Barb:

In fact, Judge Chutkan entered a protective order today, Friday. That was kind of a compromise, I thought. She said that it would cover all sensitive materials including witness statements, grand jury testimony, recordings and other things, but not everything, not all of the evidence. To me, that's less than a full win for the government, because I could imagine Donald Trump putting out there into the public domain some piece of evidence that is inadmissible and tainting the jury pool. So she's a former defense attorney. So, I think the idea that she's going to be super pro-government and anti-Trump in this case is just wrong. As a former defense attorney, I think, I could see her being very fair to the defendant. So Kim, let's talk about what this is and what this isn't. This is a protective order. Is it the same thing as a gag order?

Kimberly Atkins-Stohr:

No, it is not. I mean, Joyce did an expert job of explaining exactly what it is. A gag order would be an order that says you cannot speak publicly about the proceedings of this trial until its conclusion. She did not say that at all. And certainly, there is a reason why. First of all, in this case, I don't think that it is legally necessary. Secondly, he is a candidate for the presidency and that would have big First Amendment implications that would have to be litigated in an interlocutory manner, meaning that you would have to pause the trial and appeal that issue up before resuming the trial. That's something that they don't want to do. She was very clear and I thought that it was very smart. Not only was she quick, she ruled this from the bench.

She didn't take it away and take it under consideration and rule later. She was ready to give this order and she did it in a limited way as Joyce said, but she also said something that I thought was interesting, which is essentially, cautioning the defense that if they violated this order, not only could there be repercussions that this is not ... this case should be tried in the courtroom, not on the internet, she said. Also, the more they did it, the faster the trial date would be set. So basically they would be shooting themselves in the foot if they violate this order. Now, Trump's attorney said that Trump would quote scrupulously abide by his conditions.

Barb:

Right, I saw that. I saw that. That's laughable, right? Scrupulously abide by all laws and orders, right.

Kimberly Atkins-Stohr:

So we'll see. We'll see what happens.

Barb:

Yeah. Well, Jill, there's got to be a temptation to enter a gag order in this case. As Kim pointed out, we've got a candidate for president on the one hand, but he keeps making statements. He's talked about ... just today deranged. Jack Smith has asked for a January 2nd trial date. He's talked about the jury pool. DC is a filthy city and all these kinds of things. He's talked about the judge and he's talked about witnesses like Mike Pence. At some point, do you think the judge will need to enter a gag order or is he just angling for a recusal or a change of venue? Can he manufacture a change by baiting them and saying these outrageous things himself?

Jill Wine-Banks:

I think that Judge Chutkan is smarter than he is and that she will not be forced into an unforced error. It is going to be tempting to do something, and I think it's essential that there'd be repercussions. She's

already mentioned one as Kim just said. She said, you keep doing this and the trial date is going to move up because we're going to have to stop it before the jury pool is tainted. So that's one thing she can do that would be really fair and present no problems. Will she eventually have to revoke his privileges of freedom and hold him in custody? That would be another thing before a gag order. I don't know which is worse, a gag order or holding him in custody. But he has to be treated like any criminal defendant. And as Joyce started with, this is a routine matter to have a protective order.

And every defendant has to be held accountable for violating a protective order. And in this case, we have plenty of reason to know that he will in fact, do something that's wrong. And I think there have to be consequences. I do not think she can let him keep on doing it over and over and over again because he is, as you pointed out, making a case in front of the jury that will eventually be seated and he may get in things that are inadmissible in evidence.

Barb:

Yeah.

Jill Wine-Banks:

So the other thing I would say is you felt it was maybe a little harsher or against the prosecution, but my understanding is that they will be designating what is sensitive information. And so that gives them a lot of control over what can and cannot be revealed and what would be a violation. I'm sure that the Trump lawyers will be fighting tooth and nail for every designation and saying, "Oh, that shouldn't be sensitive information." I think we've seen the judge handle this well so that there will be fair decisions on what is legitimately sensitive information that should not go before the public.

Joyce:

So you all, can I just share a data point on something that just happened that I think pops Jill's comments into context? This is Jill's comment about sanctions the judge could impose and just now, there was a bail hearing for the founder of FTX, the crypto guy, Sam Bankman-Fried. The judge was convinced in that hearing that he had tried repeatedly to influence witnesses against him and he revoked his bond. He will be in prison pending trial. This is what happens to defendants who try to tamper with witnesses or the jury pool. I hope Donald Trump is paying attention.

Barb:

You're right Joyce, and that happens in cases all the time, but when Donald Trump is running for president, I could just see him trying to bait her like "I am going to go not just up to the line, I'm going to cross the line again and again and again and I'm just going to dare her to revoke my bond," because then when she does, he can say, "Look, I can't get a fair trial. She's trying to cost me the election. How can I campaign? She's the most unfair person on the planet." I think she's in a really tough spot. Do you think that she actually does revoke his bond if he goes too far?

Joyce:

So look, I totally agree with you that that's what he's going to do. He's going to try to bait her. He's going to try to avoid accountability and he's going to use it against her. And I noticed something new, sort of a new tone that prosecutors are striking for so long, prosecutors and other parties have bent over backwards to try to accommodate Trump and all this foolishness that he does. Yesterday in this motion on the protective order in DC, prosecutors took an entirely different approach. They said, "Listen, we are

not buying any of this garbage about Speedy Trial Act being for the benefits solely of the defendant. It's also for the public. Judge, here's how we want you to rule." I think that we are about to see a shift, and this judge is a big part of it.

She's no nonsense. She does have a pro-defense bias. If you talk to people who try cases in front of her, I think that's great in this situation because it means she is scrupulously fair and when Trump tries to complain about her, it will fall on deaf ears.

Jill Wine-Banks:

Although she also has been insistent on calling him Mr. Trump while his lawyers insist on calling him President Trump, which he is not. And I think the prosecutors and the judge are onto that and it's an important message to the public and eventually to a jury.

Barb:

Well, let me move on to another event that occurred this week. There was the revelation of this kind of missing document. It's referred to now as the Chesebro memo. Most of the documents referred to in the indictment were already in the public domain from the January 6th House Select Committee hearings, but there was one document that was not previously disclosed that got described there, and the New York Times got ahold of it and described it this week. So, it's been written by Kenneth Chesebro. Joyce, tell us who Kenneth Chesebro is. How does he fit into all this?

Joyce:

Who is Kenneth Chesebro? Barb, that is such a good question. I learned yesterday ... so I debated in high school and college-

Barb:

You may have mentioned that once or twice-

Joyce:

I may have. It's its own little insular world full of nerdy people. Kenneth Chesebro was a debater at Northwestern in college, widely known as The Cheese. So it's interesting-

Kimberly Atkins-Stohr:

Wait a minute. The Cheese.

Joyce:

The Cheese.

Barb:

The Cheese stands alone.

Joyce:

It's interesting that he has surfaced. He may well stand alone if he doesn't do the right thing here because he is widely believed to be co-conspirator number five, one of the uncharged co-conspirators in the DOJ indictment of Donald Trump. So here's the deal and here's why he's an important figure here.

Last March, he was subpoenaed by the House January 6th Committee. The committee concluded that he was the chief architect of the fake elector scheme that Trump and his allies use to try to stay in power. He has considerable criminal exposure if he does not cooperate with the government. Very interesting. Not a publicly known name like Rudy Giuliani or the Kraken lawyer, Sidney Powell. We will hear a lot more about the cheese in the weeks ahead.

Barb:

Well, the cheese is the one who took a job at DOJ in December of 2020 after Trump loses the election. And in the waning days of the Trump administration, it always struck me as very odd that somebody would come on board at that time. And so this memo I think helps explain his function there at DOJ. Kim, tell us about the gist of the memo and how it fits into the criminal charges.

Kimberly Atkins-Stohr:

Yeah, so this is the legal name I think for what a memo like this is a humdinger.

Barb:

Legal term.

Kimberly Atkins-Stohr:

Yeah, he essentially, as Joy said, master crafted the whole scheme with this phony elector thing, not just for one state, not making it individual. It was a five state plan that he laid out and reduced into writing. The January 6th committee investigating this did not find it. We only found out about this after the indictment through Jack Smith's investigation. And so here's part of it. Here's the nut graph of this memo, as we say in journalism, "It is important that the alternate slates of electors meet and vote on December 14th, if we are to create a scenario under which Biden can be prevented from reaching 270 electoral votes. Even if Trump has not managed by then to obtain court decisions or state legislative resolutions," remember the independent state legislature doctrine? "Invalidating enough results to push Biden below 270."

That is a plan to reverse the election results, right? They're written out in plain English and not only was it that, it also came with a messaging strategy of what to say in the event that they are caught, which is essentially, it's important to say we're just protecting the rights of the president as he defends these actions while he makes his legitimate appeals to the public. And the results of that as Chesebro, Cheseboro, whatever his name is said, is that it quote, would guarantee that public attention would be riveted on the evidence of electoral abuses by Democrats and would also buy the Trump campaign more time to win litigation that would deprive Biden of electoral votes and/or add to Trump's column.

So he basically wants to misinform the public and get them to believe that the Democrats were up to something nefarious and not them. So it's the crime and the coverup all in one memo. I think it's probably one of the best pieces of evidence that the prosecution probably has.

Barb:

So Jill, do you think this is the smoking gun that Kim seems to be referring, but we need a better metaphor for smoking gun because it's the Chesebro memo. I don't know what's cheese, the smelly cheese?

Kimberly Atkins-Stohr:

It's the sharpest knife.

Barb:

The sharpest cheese.

Kimberly Atkins-Stohr:

It's the sharpest cheese.

Barb:

There you go. Is this the sharpest cheese?

Jill Wine-Banks:

The smelliest cheese, I would say because it is smelly. It is definitely smelly, but I don't know that it is smelly enough. Kim has definitely pointed out some of the highlights of it and there are other parts that are just you go impossible like it says, send in the certificates containing their votes in compliance with federal and state laws. Well, they couldn't comply with federal law because they weren't elected and because they didn't have a governor to affirm the legitimacy of their votes. He does say which might plausibly be allowed to go forward some cases. Of course, there was no possibility of anything plausible about the election fraud. They well knew. So to that extent, the whole foundation of it falls apart.

They do rely on a case that happened in Hawaii and our sympathy with anybody who was on Maui or anybody affected by that tragedy. There was a case during the Kennedy Nixon election of 1960, where there was 114 vote difference in favor of Nixon and he was certified by the governor as the winner, but the democratic electors, and there are only three from Hawaii, at least back then there were only three, met and sent in their votes as electors because the recount was pending and did eventually affirm that Kennedy was the actual winner of Hawaii. So it's a very different circumstance where you have a legitimately pending recount that ended up overturning it. And it was not only legitimate in the sense that they had found some fraud, but that there were only 114 vote difference in all of these other cases for Trump.

The differential was huge, there was never going to be an overturning of the election. There is some language in an opinion from the court saying that the thing that made them able to submit their votes as electors was that they did meet on the date that was required and submit their electoral votes as required. So there is that little bit, but it is so completely distinguishable from what was going on in the Trump case that I think it's nonsense, although that is probably the most legitimate thing that's in this memo. I think I would go with Kim's conclusion that this is mostly just nonsense, that there was no way ... and when she read that part about riveted on the evidence of electoral abuses. There was no evidence of electoral abuses. So that's where it all falls apart, is the devil is in the details and the facts matter.

And here there were no facts to support. They're ever believing that they would have a legitimate grounds and everything else pointed to their knowingly doing this for false reasons.

Barb:

Yeah, I had a former supervisor, a boss, a great boss who used to always say, "A brick is not a wall. This is a brick. This is one piece of evidence, and that if you build enough of them, you have a wall of evidence and enough for a conviction." It's a trick of defense attorneys to try to pluck out one little piece of evidence and say, "You lose, you lose, you lose and look at each one in isolation," but when you pull

them all together it can give an overwhelming impression of guilt. And I think this one is a big brick, so I think it's going to go a long way. Well looking ahead to next week, we are hearing rumblings out of Georgia that next week might be the week that we see Fani Willis file charges there.

There's a lot of anticipation. What will you each be looking for there? Let me just do a quick round of each of you. Joyce, what are you looking for coming out of Georgia?

Joyce:

So I think all the signs are that we will see an indictment on Monday or Tuesday of next week. So everybody buckle up. The big question and probably not much question yet is what charges does she indict on? I think we're now widely expecting a RICO indictment. I was sort of surprised. I was at lunch with friends and one of them said something, who's not a lawyer, none of them were, said something about RICO so casually as though it's like common pawns. I take it back, one of the other women is a civil lawyer and we then had this conversation about the technical elements of RICO, which are now dinner table conversation in America. So thank you Fani Willis. I'll be looking to see how limited her RICO charges are.

Will she go to other counties like Coffee County in Georgia and talk about efforts to interfere with voting machines? Might she go beyond Georgia's borders? I sort of doubt that, but that's a possibility. Also, I'm waiting to see which judge gets it. I think that there are 20 active judges in Fulton County. This goes on the wheel. They also have senior judges and senior judges have the advantage of not having super crowded calendars so they can move a complicated case more efficiently, because if this is just one indictment, and I've had this question in my mind all along, if there might not be more than one indictment in the works because of the large number of players and claims involved. If it's just one, a senior judge would have a big advantage in terms of moving the case. So lots of stuff to look for. What about you all?

Kimberly Atkins-Stohr:

Yeah, just to build on that, Joyce you left off where my biggest thing that I'm looking out for is, is whether she indicts multiple people at once or takes the same approach as Jack Smith, which is focus on Trump first, get that done and then, bring the indictments against the other players later, because clearly her net is cast wide in terms of potential targets of her investigation, but I wonder if the fact that there is this federal indictment already in place after Trump, if that gives her more leeway to go ahead and push forward with other people or if there is a concern that doing that might not just slow her case down but also potentially slow down the case against Donald Trump federally. I would love your thoughts.

Jill Wine-Banks:

So I think the two issues that you two have raised are the really big ones, but there's also the question of number one, when will this trial get set? Will it be after all the other pending cases because it's the last to be indicted or is it one that could be tried faster and so it might get snuck in before all these other cases? And don't forget, aside from his criminal cases in New York and in Florida and in DC, he has E. Jean Carroll's trial coming up. He has several other civil cases coming up. So he's got a pretty busy schedule of legal stuff. So the trial date becomes very interesting to me and also, what is the reaction? Fani Willis has given so much notice to prepare for protecting the courthouse, protecting the grand jurors, but by giving that much notice, she also has put them in more danger, I think in a way.

She has given plenty of notice so that people may react to this final announcement. It's not going to be unexpected, it is expected. So, I'm worried about what the reaction is going to be and I think we have to watch for that even though they're prepared for this.

Barb:

Yeah. The reaction from the public, certainly Jill, and you know that Donald Trump is going to go on the offensive as he always does, going after the prosecutor. And I worry that now this will be his fourth indictment and who gets indicted four times in one year? He will say, "Oh, this just proves ... they didn't charge me three years ago, but now, suddenly when I'm the leading candidate for president, all of a sudden they charge me with four indictments." Well, it just takes that long to put together those kinds of cases, but I do worry that he will be able to use it as ammunition just to try to show his own victimhood and grievance. As he loves to say, "They're not after me, they're after you. And so it's a badge of honor to be indicted for you."

And what does that even mean? He's not being indicted for the rest of us. The rest of us didn't commit these crimes. So I'll be looking for his reaction as well.

Kimberly Atkins-Stohr:

Hey Joyce, don't mind me. I just broke my nail so I am repairing it myself with a little Olive and June polish. I know you like Olive and June too.

Joyce:

I do. I don't usually break my nails. Is it hard to fix it when you do? I do a lot of touch-up painting.

Kimberly Atkins-Stohr:

I just chipped it. I was carrying too much stuff and tripped a little bit, but honestly, it is only the edge. The polish actually looks pretty good. I just have to file it down a little bit and do a little touch up, because that's how great Olive and June is. It's really long-lasting even through your mishaps. It's great to be able to give yourself the perfect home manicure with Olive and June. They have everything you need for a salon quality manicure in one box and you can customize it with your choice of six polishes from a selection of dozens. We love how their polish doesn't chip, even when you break your nail and last seven days or more. When it comes down to it, you're getting a great savings because it breaks down to just \$2 a manicure.

Joyce:

I am tough on my nails. Every morning I am out with the chickens, doing chicken chores. I'm the proverbial urban farmer and that's tough on a girl's fingernails, but with Olive and June, I actually get nails that I'm not embarrassed to look at when I get to work. With Olive and June, not only do you get salon worthy nails at home, you'll immediately notice the difference you get when you craft your perfect nails with their mani system. That's good for people like me who aren't necessarily skilled at doing their own mani-pedi. It also means no appointments, no traveling to find a suitable salon and it saves you money while putting your nails on your schedule. Your friends, family, spouses and coworkers will all be impressed. I wouldn't think of using anything else before going on air.

Jill Wine-Banks:

I agree. Their colors are amazing. I have two favorites right now. One is a light blue and the other is a light pink. They are both absolutely perfect. Plus, they have amazing looking press-ons that go on quickly, look real and last a really long time. And the press-ons come in every size you can imagine, so you know you're going to get the perfect fit for yourself or you can use Olive and June's great polishes as I do and get a non-damaging mani in less than 10 minutes. One that goes on much better than any gel. They're an allure, best of beauty winner, and with their quick dry polishes, you only have to wait a minute and you can feel confident knowing your mani will last for five or more days, definitely more than five days in my case with only one or two coats.

Barb:

So if you go for that sort of thing, you can visit oliveandjune.com/sil for 20% off your first mani system. That's oliveandjune.com/sil for 20% off your first mani system. You can also find the link in our show notes.

Joyce:

So I had a lot of questions for you all about Clarence Thomas and the latest revelations, but I think we'll set those aside for the moment because Clarence Thomas is not going anywhere, although I wish he would. I think lots of people think he no longer belongs on the court. However, Hunter Biden, today, I think I was on television with Andrea Mitchell when some stunning news broke. Kim, what's going on? What happened to the plea in this case? What are the new developments? Is the case going to go to trial now?

Kimberly Atkins-Stohr:

Yes. So I was as shocked as you were when this came through. When Merrick Garland announced he'd be making some announcements. I thought it either had something to do with the Jack Smith investigation or the fact that President Biden may be called to be interviewed in connection with the classified documents that were found at his home, but no, it was something else. It was the fact that a special counsel, if you are losing track with special counsels, you are not alone.

Barb:

Are they still special if they're that many, Kim.

Kimberly Atkins-Stohr:

They're not so special, are they?

Barb:

Yeah, not so special counsels.

Jill Wine-Banks:

Good question, Barb.

Kimberly Atkins-Stohr:

Not so special counsel, has been appointed in this case and it's just amazing how we went in such a short period of time from expecting a plea deal to be entered on behalf of Hunter Biden, and for all of this to be done to now having a special counsel and it looks very much like this case is heading to trial.

One thing I found that was very interesting is that Attorney General Garland appointed the same US attorney who had been overseeing this investigation already, David Weiss of Delaware. I would love to hear your take about this, but this clearly means that that plea deal is off the table and we are likely to see a trial that could encompass not only the misdemeanor tax case that Hunter Biden was facing as well as the weapons possession charge, but maybe more and I would love to hear from you all more about what you think might be a part of this.

Joyce:

Yeah, so I mean Barb, what do you think about it? Why would Weiss ask to be appointed special counsel at this point?

Barb:

Well, we got a little clue later in the day when he filed his motion to dismiss the information. That was the charging document. The word information is a little bit of a weird label. It is essentially an indictment, but one where the right to be indicted by a grand jury has been waived and usually used in a plea agreement when a defendant is going to agree to plead guilty. So it's essentially the same thing. It's the charging instrument. He filed a motion with the court to dismiss the information that charged Hunter Biden in those misdemeanor counts that he was planning to plead guilty to. In the course of it he had to explain to the court why it was going this route and what he said is because this deal is off, part of the deal was that Hunter Biden was going to waive any objection to venue, which is the right to be charged in the district where the crime occurred.

For everyone's convenience, we were just going to do this in Delaware, but now that this deal is off, I have to charge these tax offenses in the districts where they occurred, and he said that would either be Washington DC or the central district of California, which is where Los Angeles is located. So for a US attorney to file charges in a district other than their own, they need special counsel status. So it seems to me ... and I'm drawing some conclusions here, but I think they're educated guesses. It appears that they tried to see if they could put this plea deal back together that fell apart last month. Ultimately, he said that they were at an impasse. They could not resolve the guilty plea. So now David Weiss has asked Merrick Garland, I am going to need this special counsel status so that I can pursue these charges outside of the district of Delaware.

He does refer to them though as tax charges. So, it sounds to me like maybe there'll be felony tax charges in that misdemeanor tax charges, but he doesn't give any hints about whether there are broader charges afoot like business fraud or money laundering or foreign agent registration. He really does just say tax charges. So it may be that he's just going to go forward with the same case, he was going to go forward with in Delaware, but there won't be a guilty plea with it. So not sure, but that's why he would need that special counsel status.

Joyce:

I think that you're onto something, I'm not sure this is as ominous as Fox News is going to make it out to be tonight because once David Weiss asks Merrick Garland for permission to become a special counsel, what's Garland going to do in the current political environment, say no? He can't really say no without setting off a whole bunch of stuff. I think he says yes, to your point, Barb, it gives Weiss the ability to act outside of Delaware, which he clearly is going to need since there's no longer a guilty plea in the works here, at least not for now. I think guilty pleas have a way of popping back up as things take off, but what this really says to me is that DOJ, unlike what it began to look like during the Trump administration, is no longer a creature of the White House.

And prosecutors are going to decide whether to indict people based on the facts and the law, not based on whose kid you are. So painful for the Biden family. No one loves to see this happen to any individual. Good for the rule of law. This is how things are supposed to work. Jill, you have more experience with this I think than the rest of us. Can you talk about the powers that a special counsel has? We've talked about this ability to go to any venue that they want to compared to a US attorney. And also this question, if you're going to do this, why does David Weiss get to be the special counsel? Why not just bring in someone totally new?

Jill Wine-Banks:

Well, let's start with that second question, because I think it's a fascinating question, Joyce, about why it should be because my understanding of the current rules which actually give less independence than Watergate special prosecutor had, but give considerable independence and could actually end up being I think helpful to the case because it's going to be harder to complain that it was done within the Biden Department of Justice US attorney's subset of the department. It is now an independent special counsel. And so it could actually, I think be used to show how independent it is, but the rules say it has to be someone from outside of government and a US attorney is not outside government.

So it's a little strange that it is him. On the other hand, he's the one who has all the knowledge, information and can act the most quickly on this. So it makes sense for it to be him. And I trust the Department of Justice has thoroughly researched and knows how to answer the question of how do you take someone who is a government employee and make them the special counsel?

Joyce:

They don't it before, right? I mean that has happened in some of the other cases, particularly with the Connecticut US Attorney John Durham who became a special counsel.

Jill Wine-Banks:

Right, but he didn't stay as US attorney, did he?

Joyce:

Yes. He absolutely did.

Jill Wine-Banks:

Well, then they have figured it out and there's no-

Joyce:

There's something in the regs that lets you do it. It's a little bit squirrely and my recollection is that we all actually balked a little bit when they did it in Connecticut, but that it was technically legitimate. So I guess it's technically legitimate here and Trump set the precedent.

Barb:

But just because you can't do it, should you do it. I mean, being an attorney is a full-time job. It's more than a full-time job. So he's supposed to be special counsel while he's also dabbling as US attorney in Delaware.

Joyce:

On the other hand if you bring somebody brand new in, that person has to get their arms around the case. They have to build a team.

Barb:

Absolutely.

Joyce:

They have to start from scratch. I think you're damned if you do and damned if you don't. I think that that's true.

Jill Wine-Banks:

Remember, there is a statute of limitations issue here. So, if you bring in someone new and there's a delay, the statute of limitations could become a real problem. So I mean I think it makes sense to have the person who has the knowledge do it, and there is a legitimate reason here because of venue. They had it here, but there was really never any nexus between any of the crimes alleged in the state of Delaware, it just wasn't there. So, when you're having a plea that doesn't matter, you waive that, but if you're not going to plead, then you have to have it in a place where the crime was committed. I would also point out that if he were not named Biden, these are crimes that would not result in criminal charges. When you pay back your taxes that you failed to pay, that usually ends it.

When you are a drug addict who has a gun that you get rid of within a week of getting it and haven't committed any crimes with it, you would not be processed for any criminal charges for that possession. So in a way, he's being treated more harshly than he would be if his name weren't Biden. That's important to keep in mind as well. In terms of the powers aside from venue, which in this case is clearly at top of mind for a reason why, you go about making your decisions without any input from the Attorney General. And then, you give a report and the Attorney General then has the decision to make about whether you have so gone beyond the realm of reasonable and fairness and beyond any Department of Justice rules that he would reject it. If he doesn't find that, then he accepts the charging decision whether it is to charge or to not charge.

So I think that it is really that independence of where to take the case and whether it will include FARA which is a possibility or felony charges. Maybe there's information we don't know about why he didn't pay his taxes. Maybe there's some statement that he was doing it for corrupt reasons. We don't know at this point. It seemed like the plea deal to me was a fair one to begin with and we'll have to wait and see what comes out and what charges are put forward and whether there'll be a diversion of the gun charges or whether he'll actually be charged with, that has the longest prison sentence is for the gun charges, that's a 10-year felony. So that would be significant if they brought charges on that.

Kimberly Atkins-Stohr:

I was about to say something that might've made sense in normal world, but that sounds dumb in the world that we're actually in, which is it would have ... if the institutional reputation of the DOJ was front of mind, I would think that they would've appointed somebody else outside of Weiss and just done everything they could to get them up to speed in order to proceed quickly so as not to ... sort of to thwart any sort of attacks on Weiss as impartial. I mean whoever it was, they could have appointed-

Joyce:

Jesus Christ himself.

Kimberly Atkins-Stohr:

Exactly, and they would've attack him-

Barb:

Jesus isn't so innocent. You think Jesus is so innocent. What about that walking on the water stuff? No, no.

Kimberly Atkins-Stohr:

Evidence of that water walk.

Joyce:

Deep state. Yeah.

Kimberly Atkins-Stohr:

Yeah, it's really stupid.

Joyce:

So one last quick question, we've touched on it a little bit, but what do you all think are the political implications of this? Is Joe Biden possibly a defendant based upon what we know? Is he a target or a subject of the investigation and how does this play in the upcoming election?

Kimberly Atkins-Stohr:

So I think it could go two ways or maybe both ways at the same time. I think in one sense it allows the White House to say, look, this is an independent investigation that's moving forward. Be the president loves his son and wants only the best for him, but realizes that no one is above the law and we're letting the legal process carry out that sort of blunts this idea that it was he was getting special treatment, right? It looks like he's going to trial, he's not getting special treatment, he's being treated more harshly than most people who are alleged of, committed a tax violation as we've pointed out on the other hand already in part because it is Weiss who is the special counsel. We have seen Republicans come out hammering saying they want more information, that the fix is in.

This is all meant to cover up some sort of nefarious nonsense. So I think it can hit both ways in the long run. I think I'm sure as the president's campaign moves forward and the presidential election nears his campaign officials probably hate that this is happening because it's going to keep it in the news. They thought they were going to put it behind them and that's not going to happen at all. So I think, it weighs on both sides.

Barb:

Well, I've been researching my book on disinformation and one of the tactics that is used in Russia that is used by Putin is this idea that the goal is not to convince people that Putin is so great. It is to convince people that everybody is corrupt and anybody who wants integrity or honesty is just a sucker. So because everybody is corrupt, you should just accept that and be in on the joke. Everything is PR is one of the big phrases there. So you might as well just go with the person who's going to advance your agenda because they're all a bunch of crooks anyway. So I think that's very much part of what they're

trying to do to Joe Biden here is smear him to diminish any argument that Donald Trump is not worthy of your vote because Biden is just as bad.

Jill Wine-Banks:

Well, the Republicans are also attacking Weiss and sort of threatening him if he doesn't bring felony charges, if he doesn't indict Joe Biden as well as Hunter Biden, despite the fact that at least publicly we know of no benefit to Joe Biden or any action he took in connection with his son's business dealings. So they're really going whole hog on this attack and on making it a big deal. I don't see any connection, in reality, to President Biden, and I hope that we can get past this, but for sure the Republicans will play it for the most benefit that they possibly can. And I don't think it's ... the timing is just horrible. It's just so suspicious and it's interesting that just as things are really rolling against Trump, that this happens to bring this into the fold.

And that we're still at a place where there's a lot of talk about Ivanka and Jared and what they did as government employees during the Trump administration and subsequent to it and that nothing has been done about them. And it seems to me, if you're going to attack the children of the President, then you have to look at the conduct that is so obvious for their conduct about patents and a two billion investment from the Saudi fund. It's serious set of political issues that are very troubling, very troubling, and particularly in light of what you're saying, Barb, for disinformation and misinformation.

Joyce:

It's such a mystery, right? How that conduct goes uninvestigated by the Biden Justice Department. I will say Biden Justice Department because that's how the Republicans would characterize it for this purpose. Are you so afraid of looking partisan that Jared and Ivanka get a pass? I mean, maybe somebody looked and decided that there was nothing criminal at work here, but it seems like the sorts of things where you might want to take a look. And as you point out, Jill, the distinction is Jared and Ivanka had high positioned roles in the White House. They weren't like Billy Carter. The president's ne'er-do-well brother, who is doing whatever he did. Hunter Biden not a government employee, can't be impeached even though the Republicans seem hell-bent on trying to impeach Hunter Biden.

It really is, I think, a very concerning marker for Barb's concerns about disinformation for the concerns we talk about about, about democratic institutions. It is something I think we can't answer today, but we should put a pin in and continue to think about this. To find your perfect mattress, take Helix's two-minute sleep quiz and match with a customized mattress for your body type and preferences for the best sleep of your life. When I took the Helix quiz, I matched with the Helix Midnight mattress and it was exactly what I needed. I sleep great on my helix mattress and I've gotten them for the entire family. Even my husband loves it as much as I do. With Helix, buy a mattress tailor just for the way you sleep. It's been the best sleep of our lives.

Jill Wine-Banks:

Everybody is unique and everyone sleeps differently. The Helix lineup offers 20 unique mattresses, including the award-winning Lux collection, the newly released Helix Elite Collection, a mattress designed for big and tall sleepers and even a mattress made just for kids. Each is designed for specific sleep positions and feel preferences.

Kimberly Atkins-Stohr:

Their memory foam layer models provide optimal pressure relief if you sleep on your side like I do, and it cradles your body for essential support in any sleeping position, from back to stomach with enhanced cooling features to keep you from overheating at night. And if your spine needs some extra TLC, they got you. Every Helix mattress has a hybrid design combining individually wrapped steel coils in the base with premium foam layers on top. It's the perfect combination of comfort and support and Helix knows there's no better way to try out a new mattress than by sleeping on it in your own home. So test yours out for a 100 night risk-free trial and see how amazing your rest is. If you don't love it, and we know you will, they'll pick it up for you and give you a full refund. Plus, Helix mattresses are American made and come with a 10 or 15 year warranty.

Barb:

Helix has been awarded the number one mattress by GQ and Wired magazines, leading chiropractors and doctors of sleep medicine use Helix as a go-to solution for improved sleep. And now, Helix is offering 20% off all mattress orders and two free pillows. For our listeners, go to helixsleep.com/sisters and use code Helix Partner 20. This is their best offer yet and it won't last long. With Helix, better sleep starts now. Find the link in our show notes.

Jill Wine-Banks:

As Joyce just mentioned, the institutions of our democracy are being challenged at every point and it looks to me like state GOP officials are trying to subvert the democratic processes in two different ways that are important for our listeners to know about. One got a lot of attention that is in Ohio where the GOP facing the likely passage of a state constitutional amendment guaranteeing the right to abortions, forced an August vote to increase the number of votes needed to pass that amendment from 50 to 60% in the hopes of defeating it in November with only 40.1% of the vote. But a similar threat to a majority rule got less attention. It happened in Florida when Governor Ron DeSantis suspended an independently elected state's attorney adding to a growing list of Democrats he has suspended and replaced with Republicans.

So because that one got less attention, Kim, I want to start with explaining first of all how Florida law allows its governor to suspend independently elected officials. What are the general grounds that he can use for suspending someone who has been elected by the voters of their district?

Kimberly Atkins-Stohr:

So what he did was suspend Dominique Worrell, who is a state attorney, the only Black woman who is a state attorney. And she was, as you said, elected she is a Democrat. And we get some inkling about what the legal standard is here because this is not the first time that Ron DeSantis has done this. He did this before with another state attorney named Andrew Warren, who he suspended also a Democrat elected, and generally speaking, the grounds for suspending someone an elected official, the governor does have some limited ability to be able to do that, but it's only if there is some sort of wrongdoing that is alleged like some sort of mismanagement, some sort of dereliction of duty, maybe if they've committed a crime, if there have been shown some severe incompetence. But essentially here, the evidence is that DeSantis didn't like her and so he used this power to remove her.

When he did this before a federal judge actually found that the move was unconstitutional in violating the state's attorney's rights and sent it back down to Florida where the Republican controlled Florida Supreme Court reversed that decision and allowed that suspension to stand. So I suggest the same thing might happen here. I expect it to with the same Republican control state Supreme Court in place, but

think that federal judge finding is really telling when it comes to not only that there was no basis legally under the standards in Florida, but it also was unconstitutional.

Jill Wine-Banks:

Yeah, and I just want to point out that I had Andrew Warren as a guest on iGen Politics and he was ruled that his suspension was unconstitutional and that it should happen at the state level, but then when they went to the state, they said, "Oh, you're too late." So I am hoping that Worrell learn from Warren's lesson and take her case to the state courts sooner than before. So Joyce, let's talk more about the two state's attorneys he suspended because both of them of course are Democrats and were replaced by Republicans. And what were the alleged reasons for Warren's suspension, which I think it's interesting to know and for Warren's, and we've seen the executive order lay it all out in the case of Worrell. So what do you think of the reasons that he gave? Is it just his political differences with them?

Joyce:

Yeah, so I think Jill touched on this. Andrew Warren was suspended because he refused to enforce anti-abortion law and because of comments that he made about gender-affirming care, neglect of duty and incompetence is the technical language that DeSantis used in both cases to describe his beef with these state's attorneys. By the way, state's attorney is what they call a district attorney in Florida. This is really about policy decisions. With Monique Worrell, the governor ran this campaign against her decisions. He essentially called her soft on crime, tried to blame her for some shooting deaths that occurred where some police officers were shot at and for some other cases. She pushed back strongly and she said, "Look, I can't detain people pretrial."

"I can't charge people unless we have the evidence to move forward on those occasions. So we need to work with law enforcement, with our investigators, but we can't push beyond the bounds of our evidence." Jill, like you say, the problem that Warren ran into was he goes to federal court first. The judge says, "No, not going to help you get reinstated." And then, he inexplicably waits six months before he goes to state court. So that does set a little bit of a roadmap in place for Worrell. It's clear what she needs to do if she wants to avoid this suspension. I really liked Warren's comments. He's been very supportive of her and I think these are good takeaways for our listeners. He called the Suspension a Dark Day for Democracy in the Sunshine State.

And then he said, it doesn't matter if you're a Republican or a Democrat or an independent, anyone who cares about the rule of law and our commitment to democracy in this state should be extremely frightened by what's happening now. At bottom to me, this is frightening. I am frightened to see what looks like autocracy in the works in Florida. Both of these state's attorneys duly elected by the people. The governor doesn't just get to say people of Florida or people of these counties, I'm going to set aside your vote. And that I think is a disturbing trend. We've got this legislation in other states that could let this happen and it really is a problem.

Jill Wine-Banks:

Yeah, and that brings us really to Barb. I want to get your opinion because you of course, are the one who's looking at autocracy and disinformation misinformation. And this is a case where DeSantis referred to Warren as a Soros backed candidate, which is of course his ... it's antisemitic, but it is also just totally out of line because he was elected by the people. And of course, he replaced them with Republicans in places that voted Democratic and has been noted, Worrell is a Black woman. The only one who is a state's attorney. And by the way, Illinois also calls them state's attorneys, and both are

from the fourth and fifth most populous places in Florida, from Orlando and from Tampa, and it really is taking away the voters' votes. So we're looking at the same thing that Ohio tried.

And I want to find out from you whether you think this use, and it's not just these two, he's also suspended sheriffs and mayors and members of Boards of Education and all of whom, except I think there was one who was a Republican who committed a crime, which is probably a legitimate reason to remove someone. So do you agree with Debbie Wasserman Schultz that it is the weaponization of government and a direct affront to voters? And is this one of those things that should be left up to voters, not to the governor?

Barb:

Yeah, as Kim pointed out, this language is in the Florida Constitution and it appears to be there as a protection for voters. If somebody gets put in office who commits a crime or I think it talks about habitual drunkenness, dereliction of duty, then there is a remedy and the governor can remove that person for this kind of misconduct in office, but I don't think it appears to me to have been intended for just policy disagreements or political disagreements and to oust so it's a really interesting dynamic I think between local government. These are people elected at the county level versus at the state level because DeSantis can get elected statewide if you look at the total voting population of the state. Within these little counties and large counties, the majority of voters chose these prosecutors.

And so he's kind of using his brute force of the power of the state to oust people that he doesn't like at this smaller level of government unit at the county, but I agree that this is a terrible abuse of democracy and the voter's rights to choose who they want to be as their elected prosecutors. I guess the remedy here as Joyce was discussing, to bring a lawsuit in the state courts and get some decision, but the language in the Constitution might be broad enough for him to abuse his power in this way, it might actually allow it. And so I think that what happened in Ohio is in stark relief to this, where the voters rejected the ability to make it harder to amend their constitution. I mean, be careful of the power that you give to your leaders because if you give them a little bit of an opening, they might walk right through it.

And so kudos to the voters of Ohio from seeding some of their power to government officials. And this is an example of how someone who has a little bit of power can wield it in a way that is against the best interest of the people. Boy, this summer I have been making some great dishes with HelloFresh, and I'm thinking of sending a subscription to HelloFresh to my son who just got his first apartment and needs some good ideas with what to cook. With HelloFresh, you get farm fresh pre-portioned ingredients and seasonal recipes delivered right to your doorstep. So 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.

So join us in banishing the end of summer blues with HelloFresh. No need to stress about how you'll handle it this fall because HelloFresh takes care of the meal planning and delivers pre-portioned ingredients right to your home. So whipping up a homemade meal is a cinch.

Jill Wine-Banks:

Giving it as a gift is a great idea., Barb. You should definitely do that. Your son will really be grateful because there's nothing better than knowing that even when you're busy, you don't need to call for deliveries when you get HelloFresh. It's 25% cheaper than takeout and less expensive than grocery shopping. Just choose your recipes and receive fresh pre-portioned ingredients so you can get cooking quick.

Kimberly Atkins-Stohr:

HelloFresh even works with your schedule. Their plans are flexible, and you can change your meal preferences, update your delivery day and change your address with a few taps on the HelloFresh app. Imagine getting fresh quality produce from the farm to your door in less than a week so you can enjoy the flavors of the season right from home.

Joyce:

Go to hellofresh.com/50sisters and use code 50Sisters for 50% off plus free shipping. Again, go to hellofresh.com/50sisters and use Code 50 Sisters for 50% off, plus free shipping. Everyone can also look for the link to HelloFresh America's number one meal kit in our show notes.

Kimberly Atkins-Stohr:

50 sisters. I thought they were just four of us. [inaudible]

Joyce:

50 sisters.

Barb:

I wouldn't be able to remember the names of 50 sisters.

Kimberly Atkins-Stohr:

And we have reached what is truly our favorite part of the show is when you all ask us questions. If you have a question for us, please email us at sistersinlaw@politicon.com. If you are using Twitter or X or whatever that place is called now, you can tweet us or X us, what is it, using #SistersInLaw, and if you're on Threads, don't forget to tag [@sistersinlaw.podcast](https://www.threads.net/@sistersinlaw.podcast) or any of the four of us because the hashtag alone doesn't work the same on Threads. We won't be able to find your question as easily, but if you tag us at any of those five places, we will see your question and keep an eye out on your Threads feeds or X feeds or I don't know what that place is called anymore, I'm sorry.

And we'll answer as many of your questions as we can. So our first question comes from O, and the question is regarding the background checks needed for all parties in the classified documents case in Florida, what background checks does Judge Cannon need to undergo in order to be cleared to review the documents in the case? Does she need to pass such clearances? And if she does not, what happens? That's a great question, Barb. Do you know?

Barb:

I do. O, judges do not need security clearances. They go through a very rigorous background investigation when they get nominated to become a federal judge and all of that background information, the FBI does a background check, it gets shared with DOJ. It gets shared with the people who are going through the confirmation process in the Senate. So that covers it because the idea is that as a judge, they may in the course of their duties need to do that. So, they don't have to go through a separate clearance process by becoming confirmed as a judge. They have the ability to review all classified information, which comes in handy because from time to time they have to deal with classified information in their cases.

Kimberly Atkins-Stohr:

All right, and our next question comes from Karen in Chicago, Illinois who asks, in a normal trial, someone who is a victim of a defendant obviously, can't be on a jury, but given the civil rights count on the January 6th, federal indictment, isn't every voter in America a victim? Isn't that the point of the argument? And in such case, how can anyone who voted in 2020 be on the jury? Jill, as a fellow Chicagoan, what do you think?

Jill Wine-Banks:

I love this question, Karen. Thank you for asking it. I had never thought of that, although I thought of everyone being a victim as a reason to allow cameras in the courtroom because victims do get to see trials where they are the victim. In this case, because the trial is set for DC, which was not one of the states or jurisdictions in which the fake electors were tried, it means that the vote wasn't taken away from members of the potential jury pool in DC. If this was being tried in Michigan or one of the other named states, that might've been a bigger problem. Although it depends, I think to some extent on how broadly you define the rights that were being deprived because all of us have a right to have all votes counted so that we get whoever is the nationally elected person. I think in this case, it will be okay for jurors in the District of Columbia to sit on this jury.

Kimberly Atkins-Stohr:

And our final question comes from Threads, from Jay Kutcher who asks, "If Trump is convicted of a crime, would a person of his status be jailed while pursuing his appeals? I thought that when someone is convicted and sentenced, they're required to serve their sentence while appealing. A lot of media outlets are assuming that even if convicted or sentenced, Trump will not go to jail because he will appeal," but is that correct, Joyce?

Joyce:

This is a great question, and there's a statute for that. 18 US Code 3143 answers this question. Once a defendant is convicted at trial, there's a presumption that they should be taken into custody pending an appeal, but there's an exception. If you have a defendant who can establish that they're not a danger to the community or a flight risk. And if they can establish the following things about their appeal, then they can get what's called an appeal bond and remain out pending the decision by the Court of Appeals, which by the way, can be a long time. It can even be a matter of years in some cases. To get there though, a defendant has to be able to show that the appeal is not being taken simply for the purposes of delay and also, that there's a substantial question that's likely to result in either a reversal of their conviction, an order of a new trial, or a sentence that involves no jail time.

So a very high burden for a defendant to meet before they can get there, the one thing that I will say is that in practice, you see this applied more in the cases of white collar defendants than you do in other cases.

Kimberly Atkins-Stohr:

Thank you for listening to #SistersInLaw with Barb McQuade, Joyce Vance, Jill Wine-Banks, and me, Kim Atkins-Stohr. Remember, you can send your questions by email to sistersinlaw@politicon.com or tweet them, X them, do your thing using #SistersInLaw for next week's show. Please support this week's sponsors HoldOn Bags, Olive and June, Helix and HelloFresh. You can find their links in our show notes. Please support them as they really make this show happen. And don't forget to go to politicon.com/merch to buy this wonderful, soft, cuddly, comfy T-shirt that I'm wearing, and much, much more. To keep up with us every week, follow #SistersInLaw on Apple Podcasts or wherever you

This transcript was exported on Aug 13, 2023 - view latest version [here](#).

get your pods, and please give us five stars in the review because it really helps other people find the show.

See you next week with another episode, #Sistersinlaw. When I say ex's it reminds me of that Elle King's song. (Singing).

Barb:

Yeah, yeah, yeah, yeah.

Kimberly Atkins-Stohr:

Yeah.