

A Hard Look Podcast: Audio Transcript – No Judge is Above the Law

Opening Theme 0:08

Welcome to a hard look, the Administrative Law Review podcast from the Washington College of Law. We'll discuss how administrative law impacts your daily life from regulatory actions by agencies and the litigation over them to the balance of power among branches of the government. This is a hard look.

Host - Alexander Naum 0:39

Hello, and welcome. I hope you're doing well today and listening to me now with a warm cup of chai tea, a pumpkin spice latte, or whatever warm fall beverage floats your boat. We're recording on a pretty sunny fall day. My name is Alexander Nam, and I'm ALR's Senior Technology editor and curator of this podcast. Before we begin this episode, I would like to provide you all with a trigger warning as this episode touches on topics involving a personal account of discrimination, misogyny and sexism that may be triggering for some of our listeners. As with majority of our episodes, we will provide a transcript of the audio on the hard look section of our website at administrative.lawreview.org. Definitely check it out if you would find reading this episode easier than listening to it.

Today's episode touches on the topic of judicial accountability and poses the question are judges above the law in 1980, then President Jimmy Carter signed the Judicial Conduct and Disability Act into law which provided procedures for employees of the federal judiciary to file complaint against a federal judge for misconduct or incapacity. These complaints would be filed with a local circuit Judicial Council a regional component within the Judicial Conference of the United States, which is the overarching, administrative and policymaking body of the federal courts. However, the journey a complaint must take to succeed in a judge's removal or even mere sanctions being placed upon them is a long and treacherous process, a process that can be potentially damaging to the professional reputations and mental well being of the victims reporting the judicial misconduct, not to mention that judges within the DC courts are outside of the jurisdiction of the statute, and are held up by more lenient complaint process. I definitely want to acknowledge that this reality can feel very defeating and crushing for people within marginalized groups entering the legal profession, especially when laws like Title Seven of the Civil Rights Act, which created employment discrimination protections for mistreatment on the basis of race, color, religion, sex and national origin, and as expanded by the Supreme Court's decision in *Bostock v. Clayton County*, protections on the basis of sexuality and gender identity do not apply to federal judges. However, the tides may be shifting as elected officials and organizations are providing more attention to address this issue. Organizations including the Legal Accountability Project, a nonprofit aiming at ensuring that law clerks have positive clerkship experiences while extending support and resources to those who do not. Today we are honored to be joined by the President and co founder of the legal accountability project, Aliza Shatzman. Aliza earned her BA from Williams College and her JD from Washington University School of Law. At Wash U law, Aliza served as associate editor for the Journal of Law and

Policy. During law school, Aliza interned with four different components of the US Department of Justice after law school Aliza clerked in the DC superior court during the 2019 to 2020 term, intending to launch her career as a homicide prosecutor. In March of 2022, Aliza submitted written testimony for the House Judiciary Subcommittee hearing about the lack of workplace protections in the federal judiciary, detailing her personal experience with gender discrimination, harassment and retaliation by a former DC judge. Aliza now writes and speaks regularly about judicial accountability. She has been published in numerous forms, including at the UCLA Journal of gender and law, Harvard journal on legislation, Yale Law and Policy Review, NYU Journal of legislation and public policy above the law, law 360 Slate, Miss magazine, and balls and strikes. Aliza also has a forthcoming article to be published on our online companion, the Accord, which argues that DC courts should be covered under the Judicial Conduct and Disability Act, the law which governs judicial misconduct complaints against federal judges. As a disclaimer to our listeners. These are the personal views of Aliza Shatzman and are not a reflection of her employers, clients, organizations or other individuals in which these opinions can be imputed.

Aliza, graduating law school and beginning your first position can be a very exciting time for most first year attorneys. I mean, it's just mind boggling to think how close I am to that very moment in my life. Can you describe how you initially felt beginning of clerkship with the DC Superior Court.

Guest - Aliza Shatzman 5:01

Sure. So I had just graduated from Washington Law in Spring of 2019. I had just sat for the DC bar and took the MPRE the following week. So probably a little bit burned out. But I was excited to launch my career, what I thought would be launching my career as a homicide prosecutor in the DC US Attorney's Office. So in that respect, I was excited to get my career moving.

Host - Alexander Naum 5:24

But sometimes our excitement is tarnished by the wrong people in positions of authority can you talk about how you're treated why the judge you clerked with? Definitely touch on whatever you feel comfortable opening up about.

Guest - Aliza Shatzman 5:36

Sure. So, I'm happy to share my story. I've been sharing it a lot recently. I mean, I like to clarify, I say it's my story, but really, it's it's my life. And, you know, very few former clerks are willing to speak openly about the worst of circumstances. Every year, every clerkship application cycle, so much ink is filled to talk about the best of circumstances, when a judge and clerk develop a

lifelong mentor-mentee relationship. And all the messaging around clerkships at law schools is that this position confers only professional benefits. So I'm happy to share my experience in the hopes that it will kind of empower other folks to demand safer workplaces. So decided to clerk in DC superior court during the 2019 to 2020 term, because I knew that I wanted to be a homicide AUSA and the DC US Attorney's Office. And I knew that those AUSAs appear before DC superior court judges. The messaging in my law school Wash U law was uniformly positive. I was told to apply broadly and accept the first clerkship I was offered, so I did all those things. Unfortunately, beginning just weeks into this clerkship, the judge for my clerkship began to harass me and discriminate against me because of my gender. He would kick me out of the courtroom and told me that I made him "uncomfortable," and that he just felt more comfortable with my male co-clerk. He told me I was "aggressive" and "nasty" and "a disappointment." The day I found out that I passed the DC bar exam, such big day in my life, he called me into his inner chambers got it my face and said, "You're bossy. And I know bossy because my wife is bossy." I was just devastated. I mean, this was my first job at a law school, a couple months into my legal career. And this judge seemed to just be singling me out for mistreatment. I remember crying in the courthouse bathroom, crying myself to sleep at night, I just desperately wanted to be reassigned to a different judge for the rest of the clerkship. My workplace and the DC courts didn't even have an employee dispute resolution, or EDR plan that might have enabled that to happen. I confided it to a couple of attorney mentors who advised me to stick it out. So I tried to and I knew that I needed one year of work experience to be eligible for most government jobs. So I eventually transitioned to remote work during the pandemic. And I moved back to Philly to stay with my parents and work remotely. And the judge basically ignored me for six weeks before he called me up and told me he was ending my clerkship early because I made him "uncomfortable," and I "lost respect for him." But he didn't want to get into it. So he then he hung up, hung up on me. So I reached out to DC courts HR. And they said there was nothing they could do because HR doesn't regulate judges, that judges and law clerks have a unique relationship. Then they asked me whether I knew that I was an at-will employee. Then I reached out to my law school for, I don't know, for support, assistance, advice? And I found out that the judge had history of misconduct and law school officials, including our clerkships director, who still works there, and several professors knew back at the time I'd accepted a clerkship, but chose not to share the information with me, because they wanted other students to be able to clerk.

Host - Alexander Naum 9:02

That's, that's horrific. I can't imagine how that felt, or the perseverance it took to continue to work in that and just the perseverance that you have to talk about this story and talk about the trauma that you experienced. Was there any process to report? I mean, was there any process to maybe even just get reassigned? How were you able to cope with this and like what ultimately happened?

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Guest - Aliza Shatzman 9:29

Right, so at the time my clerkship ended, the DC courts had not yet implemented an EDR plan. They implemented that one year after my clerkship ended. So that's why I'd reached out to HR to report and they said, you know, there's nothing they could do and DC courts judges, which we'll get into later. DC Judges are Senate confirmed so they have some unique protections. I had reached out to my law school, I mean, hoping they would make sure that no future students clerked for this judge and outrageously, a year later, the clerkships director reached out to me and asked me if I'd say nice things about this judge to other Wash U law students considering the clerkship. So there really was no good place to report. I think the DC courts like to think that they've made improvements since then. But their, as we'll talk about later, EDR is enormously flawed.

Host - Alexander Naum 10:20

Following your dismissal from the clerkship, I know just like from reading your piece from the Acord, you were able to land what was then your dream job, Special Assistant to the US attorney at the DC US Attorney's Office. But what ended up happening?

Guest - Aliza Shatzman 10:34

Yeah, so after my clerkship ended, that was Spring of 2020, took me about a year to get back on my feet after that. I did during those early days connect with another DC courts judge who directed me to the DC Commission on Judicial Disabilities and Tenure, the regulatory body for DC judges. And that's where I ultimately filed my judicial complaint. At the time, I decided to wait to file that even though I'd written it and sent it to some folks to look at it. Because I feared the judge would retaliate against me. So I interviewed for jobs. And it was hard because questions were asked about Why'd your clerkship and early and why aren't you listening to judge as a reference? So yeah, I landed my dream job in the DC US Attorney's Office, which is a prosecutor position. And I moved back to DC in the summer of 2021. And I was two weeks into training at the office. So I've already started working there. When I received some more really devastating news that altered the course of my life. I was told by office leadership that the judge had made negative statements about me during my background investigation, that I wouldn't be able to obtain a security clearance, and that my job offer was being revoked. And then a couple days later, the office offered me the opportunity to interview for another job with the office, and they revoked that offer as well, based on this judge's same negative reference. At this point, I was two years into my legal career. And this judge just seemed to have limitless power to ruin my reputation and destroy my career. So I added some sections to my judicial complaint about the negative reference, which I hadn't yet seen, but believed was gender base, filed out with the DC commission on judicial disabilities and tenure, hired attorneys and the summer and fall of 2021 participated into the investigation into the now former judge. And we were partway through the investigation, when some attorneys reached out to me privately to let me know, this

judge was on administrative leave pending an investigation into other misconduct at the time he filed the negative reference about me, but the office wasn't alerted of that until January 2022. When pursuant to the terms of our private settlement, so separate from anything that judiciary could or would do for me, the former judge issued a clarifying statement addressing some but not all of his really outrageous claims about me. But by then the damage had been done. It had been way too long. And I'm pretty much blackballed from what I thought was my dream job.

Host - Alexander Naum 13:10

Wow. It's just wild what you went through! And can you describe your experience filing the complaint with the Commission on Judicial disabilities and tenure? And what was ultimately decided by the Commission?

Guest - Aliza Shatzman 13:26

Sure, I'm happy to talk about that. I don't talk about it too much. And actually my article with the court is probably my fullest like, statement so far about it. But I think it's important for people to kind of understand the realities of a judicial misconduct investigation. And when I talk about the fact that law clerks are not protected under Title Seven, and a judicial complaint or an EDR complaint are their only methods to seek redress, it's important to understand just how insufficient they are. So I filed this complaint in July of 2021. And the commission told me that it interested them for several reasons. And they didn't tell me what the reasons were. And I later realize it's because the judge was already under investigation for other things. The Commission rules and procedures and I get into this in my article are just, they're not even really delineated in their rules and statutes. It's enormously disorganized. They can decide whether to interview witnesses, they can decide whether to hold a hearing. And there is literally no transparency into these processes. If they decide not hold hearing, if they decide to dismiss your complaint. They do not need to tell you why. And if you look on the Commission's website, they have not released a report with data on the outcomes of these complaints since 2017. That is outrageous! The DC public and attorneys need to know about the outcomes of these complaints. And the data from 2016 and 2017 shows that the vast majority of the complaints are dismissed either before or after a preliminary investigation. So, I spoke with the Commission several times provided them a list of witnesses I thought they should interview. We had no transparency into who they actually spoke with, if anyone, the investigator spent, like several hours needling me, asking me why I couldn't adjust to the judge's unique work style of harassing me. She told me that I must have done something wrong because the judge hired me in the first place. And it is unclear how the DC courts fall in the Title Seven jurisdiction, whether a law clerk could sue under Title Seven? But regardless, the outcome of this investigation was important to my ability to move forward with my case. And also to be able to say that this judge who filed this crazy reference about me was adjudicated to have committed misconduct. So we knew it would be important. And there was just no transparency. We go weeks without hearing from the Commission. We didn't know what was going on. And then finally, late September, I remember sitting at the desk, where

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I'm sitting right now, when I got a call alerting me that the commission was dismissing my complaint after a preliminary investigation. And I remember sitting at this desk and bawling, because I knew that the outcome would be, that it would make it harder to move forward to speak publicly. I knew that private claims against the judge would be made harder now that the complaint was dismissed. And I believe the commission thought that dismissing my complaint would silence me. And I'm confident that the former judge and his legal team thought that too. And it really hasn't silenced me in any way. It definitely made me feel shame in the early days. And you know, some close friends were very supportive during those early days when I was figuring out how to speak publicly. And you know, there were several months when I just didn't know, when people realized my complaint had been dismissed, whether that would make me seem I don't know, less credible, less something, I'm not sure. But when you think about the fact that the limited data we have on judicial misconduct complaints, the vast majority of these complaints are dismissed. It makes you realize it says nothing about the complainant and everything about the Commission's just incompetent processes. And I as I learned more about federal processes for addressing wrongful conduct, one of which is the Judicial Conduct and Disability Act, where it's insufficient process as well, but at least in those instances for federal complaints, if a judge the chief judge dismisses a complaint, they have to issue findings of fact and the complainant has appeal rights and I just realized that would have been so much more helpful for me to this day. It is unclear to me why the commission dismissed my complaints and I will never get insight into that. And I think it's important for people to realize when the federal judiciary or other Judiciary's make statements about how this is sufficient process, like you can file a judicial complaint, you can file an EDR complaint. This is outrageously inadequate process and it's just so important that people get a window into these procedures and I think the commission, the DC commission likes the message that these are supposed to be secretive processes. And we don't want anybody to know what's going on. But they're using that as a smokescreen to get away to also avoid accountability for their incompetence.

Host - Alexander Naum 13:41

They seem incredibly incompetent and they definitely didn't silence you. I mean, you also filed a written testimony to the House Judiciary in March of this year. Can you describe to our listeners what you wrote to the House Judiciary?

Guest - Aliza Shatzman 13:57

Sure. So during the summer of 2021, when I was going through the formal judicial complaint process, I became aware of proposed legislation called the Judiciary Accountability Act. And that it would extend Title Seven protections to federal law clerks and federal public defenders, enabling folks like me to sue our harassers and seek damages for harms done to our lives, careers and future earning potentials. So I reached out to some House and Senate offices involved with drafting that bill to share my story, advocate for the legislation and advocate for an amendment to cover the DC courts, which is where I clerked, and they're in Article One Federal Court, which

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confers unique protections on judges who are Senate confirmed for 15 year terms. So I initially thought that my first public statement about my experience would be a law journal article with the UCLA Journal of gender and law. So I had been working on that. When a house judiciary hearing occurred in March 2022, it afforded me the opportunity to speak sooner, which I appreciated. So I submitted written testimony sharing my story, advocating for the bill and advocating for an amendment to cover the DC courts, which is where I clerked.

Host - Alexander Naum 15:12

So let's jump into the Judicial Conduct and Disability Act, which we kind of previously talked about, and how it doesn't apply to Article One judges. So it didn't apply in your situation. But what is the process of filing a complaint under that statute? If let's say it was extended to Article One judges.

Guest - Aliza Shatzman 15:32

So the Judicial Conduct and Disability Act does cover some article one courts, including bankruptcy courts, Court of Federal Claims, it covers many, which is part of the reason why I think it should cover the DC courts as well. It's confusing as to which courts it covers and why right after my testimony, a bunch of clerks reached out to me and told me they didn't even realize that they might not be protected under these various pieces of legislation. So it's important to clarify. So that law was passed in 1980. And it's the process by which law clerk attorneys can file a complaint against a life-tenured federal judge or some article one judges. Basically, the complainant files that complaint with the chief judge of the circuit, which is important, this is a judge's boss or a judge's colleague. So in this process, judges are tasked with investigating their judiciary colleagues. And I think that any efforts to add internal self-discipline leads to just a lack of discipline. So someone like a law clerk would file their complaint with the chief judge of the circuit, they'd review it, and they could dismiss the complaint. In this case they would have to issue findings of fact and the complainant has appeal rights. They can hold a hearing, and they can convene a special committee of judges to review the complaint.

Host - Alexander Naum 16:54

And How successful have these complaints been? Based on the research you've done into this and your experience.

Guest - Aliza Shatzman 17:02

Not successful at all. Very few complaints are filed under the statute each year. The Federal Judiciary only within the past couple of years even started separating law clerks into a separate complainant category. So we only have data on a few years worth of complaints. But it's

typically between five and 11 complaints that are filed by law clerks are successful out of the more than 1000 complaints filed each year. So the number of files is negligible and most are dismissed. And there are a couple reasons for that. I mean, law clerks are actively dissuaded in the legal community from filing complaints against their harassers. They fear reputational harm in the legal community, from other attorneys and potential employers. And they fear retaliation by the judges who mistreated them. And there really are no good processes for preventing or addressing retaliation either. So they haven't been successful. But that doesn't mean that law clerks shouldn't file complaints. And one avenue for my advocacy is really encouraging more current and former clerks to speak out and file complaints against those who mistreated them. It's not a sufficient process, but it's the process we have and it's important and my conversations with judges definitely suggest to me that they take this seriously, not all judges, but some some understand that it's serious. That's the complaint system. It is it is a challenging process.

Host – Alexander Naum 18:30

Yeah, and in talking about your advocacy, you recently started a nonprofit, the Legal Accountability Project, can you dive into just the mission of that organization and just what the work is?

Guest - Aliza Shatzman 18:43

Sure. So the Legal Accountability Project basically seeks to ensure that law clerks have a positive clerkship experience, and then extend support and resources to the ones who don't. I think of the nonprofit as the resource I wish existed when I was a Wash U Law student applying for clerkships, a law clerk facing harassment and unsure where to go for help, and then a former clerk engaging in the formal judicial complaint process. And we're working on two major initiatives in collaboration with law schools right now. The first one is a centralized clerkships reporting database that's going to democratize information about judges. So you as a law student, considering a clerkship or an externship can have as much info about as many judges as possible, before you make what I think is a really important decision about your career. I speak with a lot of law students, and I'll typically say so you want to clerk? How will you avoid judges who harass their clerks? Some might say, well, I'd ask somebody. Who you're going to ask? clerkship directors tell students to do our research, do their research, but what research you're going to do and so little information is available about these judges on an equitable basis? So what we're doing is working with law schools. And we're going to have law clerk alumni create an account with us and write a report about their judging clerkship anonymously if they choose. And we think that law clerks who faced harassment will report anonymously. And then if your law school participates, your alums report into the database, and you as a student can read all the reports, but importantly, not just your law school alumni as reports, but the reports from all the alums, at all the schools participating in the database. And then we are also doing a workplace assessment of the federal and state Judiciary's. It's a climate survey that will finally answer the question, how pervasive is harassment in the judiciary? The federal judiciary has been just

notoriously unwilling to conduct a climate assessment, which I think is an enormous red flag. They recently announced they are going to be conducting one, but I think it's pretty Toothless because they've not committed to reporting the results publicly, which again, red flag. And the third aspect of our work, which law schools are generally supportive of is programming. I'm going to a lot of law schools to share my story talk about scope of the problem and talking about solutions. I'll be at American University Washington College of Law later this fall, and we're excited about that event. And yeah, we're just really seeing a groundswell of students support on these campuses, it's been enormously positive, I'm just galvanized by the student response. And a lot of Dean's and clerkship directors are coming to our events to see what we're doing. We typically meet with them. We, myself and my co founder, after the events, talk about what we're doing, and it's just been a great response. And, you know, most law schools are very willing to engage with me, very willing to consider making changes. We have a couple of hostile holdouts, but we are working on them too. And we just visited one last week. So that was fine. That's basically what we're doing.

Host - Alexander Naum 21:52

No, that's, that sounds amazing. And I know with like, other places of employment, they have like online, places where previous employees can report you know, there previous employers, but in the legal profession that really doesn't exist. So I think that's just an amazing thing that your organization is doing, like providing that resources for, you know, new incoming law students. A lot of us are first generation, have never worked in legal field, don't have family or even close relatives, or maybe even friends or friends of family that have worked in the legal field. So I just think that's going to be such an important tool for a lot of First year graduates coming out of law school.

Guest - Aliza Shatzman 22:34

Yeah, there really is just a lack of transparency and lack of data in the legal profession, but particularly surrounding these clerkships. And I, I think we really, attorneys have conferred some power on these judges. And then judges continue to confer power on themselves, which really just leads to a culture of fear and silence one of deifying judges and disbelieving law clerks, and it's really what we seek to combat and you mentioned first gen students, those folks face unique considerations. They're probably they have less information about judges and clerkships. And they're probably not in as good of a position to say no if a clerkship is offered. And that's dangerous. And I think some clerkship directors are backing off the advice that you must accept the first clerkship you're offered. But if something feels wrong in an interview, or you learn something about a judge, you need to be able to say no, and I think that's something. The messaging particularly for first gen students is challenging around clerkships. And we're definitely trying to address that as well. But there's really just a lack of information. And I am of the opinion that more transparency is always better. And certainly in a profession, like a clerkship, people don't really realize what an enormous power disparity there is between these

judges and clerks. And how enormously isolated the workspace is. I mean, I talk to students coming off a judicial internship, externship, and they say, my judge was great. But after the summer, I can totally understand how the power disparity and the isolation, you're talking about, how things would come about. And I don't think I realized when I was applying for clerkships, what the workplace would really look like, and I just wish I had more information, I think I might have made a different decision.

Host - Alexander Naum 23:19

So outside of transparency in your organization. You also advocate for the Judicial Conduct and Disability Act being amended to better protect clerks and other federal judicial staff. Can you just dive a little bit deeper into how you see that being amended?

Guest - Aliza Shatzman 24:35

Yes, so I definitely think the statute should be amended to cover the DC courts, which were I clerked, and any other article one courts that are currently not covered. But I think it needs other improvements as well. One thing the Judicial Accountability Act would do is it would clarify that judicial misconduct investigations won't cease if a judge steps down a bit of misconduct investigation. And if they retire, they can continue to collect their lifetime pension after committing misconduct. If they resign, they forfeit the pension, but the investigation still ceases. So I think it should be amended such that folks pensions are revoked if they stepped down amid misconduct investigation, and those investigations should continue, even if they stepped down. Additionally, I really think that judiciary processes for addressing wrongful conduct, whether it's statute, or EDR, need to be taken out of the Judiciary's chain of command. Judges should not be tasked with disciplining or investigating their judiciary colleagues, as we talked about earlier, self-discipline leads to a lack of discipline for these judges. And I think it's enabled them to get away with outrageous misconduct for decades. So those are just some of the reforms I think are necessary. But it's also really important that the Judicial Accountability Act is passed. I mean, law clerks cannot wait another year for these urgently needed reforms. And regardless of how many people will actually take the strong step of suing their Senate confirmed supervisors, they need the protections and they need the ability to sue. It's also I think, exempting the judiciary from Title Seven. And having such a weak Judicial Conduct and Disability Act sends the message to judges, you're above the laws you enforce.

Host - Alexander Naum 26:21

As you mentioned, the judicial Accountability Act would expand Title Seven and allow it to apply to the judiciary. But can you dive deeper into what else this bill proposes to do if enacted?

Guest - Aliza Shatzman 26:35

Absolutely, I think it is critically important legislation. And I mean, it's the floor and not the ceiling for judicial accountability legislation, but it's super important. It would extend Title Seven to judiciary employees, including law clerks and federal public defenders. But it would do other important things too. It would specify that judges who retire resign or die amid of misconduct investigation that those investigations won't seek, it would clarify the title 28 of the US Code, which defines judicial misconduct includes discrimination and retaliation. And it would standardize these employee dispute resolution or EDR. Plans in all the federal courthouses, the judiciary has a model EDR plan, but individual courthouses are notoriously not following it. And then it would also impose some really important data collection requirements on the judiciary, it would require them to collect and report data on the outcomes of judicial misconduct complaints, it would require them to collect and report the results of an annual workplace assessment. And then require the judiciary to collect and report data on the lack of diversity in law clerks. I think just the lack of data and lack of transparency in these areas has enabled judges to get away with misconduct. And the first step to crafting effective solutions is really quantifying the scope of these problems. So it's enormously important legislation. It is basically stalled in Congress right now. And we're nearing an election, which is going to make it harder, but I think this needs to be revisited in the next Congress. And it really does have bipartisan support behind the scenes. I speak to lots of congressional offices that are very interested in this. And I really think the number of co-sponsors does not reflect the broad public support and broad congressional support this legislation could have. It's beyond time to amend Title Seven to cover the judiciary.

Host - Alexander Naum 28:31

Well, before we end this episode, there was question that I posed to our listeners at the beginning of the episode. And I think that it could be a great place to conclude the episode. So I'll ask you the question. Are judges above the law?

Guest - Aliza Shatzman 28:45

No one is above the law. I think that some misbehaving judges, including my former supervisor, believe that they are above the law, and that nobody will question them. And the case of my former supervisor, no one questioned him, he was Judge and he believed no one could touch him. I think that the laws we have in place right now continue to send a troubling message to some judges that they are above the laws they enforce. But nobody's above the law. And I continue to speak about this every day. And I intend to continue doing so until the laws are changed and law clerks are better protected. And, you know, the Judiciary is a small weirdly powerful lobby and law clerks are less powerful, but I speak for them. And I hope that I'm sending a message to judges every day. You are certainly not above the law, and law clerks are watching what you're doing.

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Host - Alexander Naum 29:42

And for our listeners who are interested in learning more about Aliza's story, and the nuances surrounding the issue, definitely be on the lookout for her upcoming Accord peice that should be published in early November of 2022. Titled "The DC Courts are Article One Federal Courts and They Should be Regulated That Way."

Host - Alexander Naum 30:02

Well, I would like to thank our guest for her substantial contributions to our discussion today, the American Bar Association's Administrative Law Section, the Administrative Law Review, and of course, our podcast's own Eva Bogdewic for her assistance and support creating this episode. If you're new to our show, and enjoy the episode, give the episode of like, and be sure to follow and share a podcast with your colleagues, friends and family. Thank you and you'll hear from as soon as we discuss other topics impacting administrative law