

DALE HO BRINGS IN THE CONSERVATIVE CAVALRY

Wow. Judge Dale Ho came up with a remarkable approach to deal with DOJ's request to dismiss the Eric Adams prosecution.

First, he canceled the trial for now, taking away one of DOJ's major claimed problems with the case against Eric Adams. He also said that Adams doesn't have to show up at any hearings for now.

Then, he asked Paul Clement – as opposed to the several people who offered to serve as an amicus to help him consider the issue – to address the following questions.

- 1) The legal standard for leave to dismiss an indictment under Rule 48(a);
- 2) Whether, and to what extent, a court may consider materials other than the Rule 48(a) motion itself;
- 3) Under what circumstances, if any, additional procedural steps and/or further inquiry would be appropriate before resolving a Rule 48(a) motion;
- 4) Under what circumstances, if leave is granted, dismissal should be with or without prejudice;
- 5) If leave were denied under Rule 48(a), what practical consequences would follow, including whether dismissal would nevertheless be appropriate or necessary under other rules or legal principles (e.g., for “unnecessary delay” under Rule 48(b) or under speedy trial principles, see *United States v. N.V. Nederlandsche Combinatie Voor Chemische Industrie*, 453 F. Supp. 462, 463 (S.D.N.Y. 1978)); and

6) Any other issues the parties or amicus consider relevant to the Court's resolution of the Government's motion.

Clement was George W Bush's Solicitor General and has argued a slew of cases before the Supreme Court. Like we assume Danielle Sassoon and Hagan Scotten will someday be, he's a right wing legal superstar; Clement was, like Sassoon, an Antonin Scalia clerk.

As several people have noted, the language Ho used to justify appointing *an amicus* is language that invoked Clement's appointment in another important case, by name.

Accordingly, to assist with its decision-making via an adversarial process, the Court exercises its inherent authority to appoint Paul Clement of Clement & Murphy PLLC as amicus curiae to present arguments on the Government's Motion to Dismiss. See *Seila L. LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 209 (2020) ("Because the Government agrees with petitioner on the merits of the constitutional question, we appointed Paul Clement to defend the judgment below as amicus curiae. He has ably discharged his responsibilities.")

So one of Joe Biden's most liberal appointees hired one of the most prominent conservative lawyers in the country.