

Justices' Trump Immunity Ruling Could Delay Trial Indefinitely

In "Justices' Trump Immunity Ruling Could Delay Trial Indefinitely" (Law 360, March 1, 2024), Pollock Cohen partner Adam Pollock speaks with Law 360 about the U.S. Supreme Court's decision to review former President Donald Trump's claim that he's immune from prosecution for allegedly interfering in the 2020 presidential election.

The justices have agreed to weigh in on whether Trump is entitled to presidential immunity from federal criminal charges related to allegations he attempted to pressure state lawmakers and enlist alternative slates of electors to overturn his election loss and accusations that he then encouraged his supporters to storm the U.S. Capitol when those plans didn't work out.

But instead of adopting one of the questions presented in briefs by Trump or special counsel John L. "Jack" Smith, the justices crafted their own, announcing that it will consider "whether and if so to what extent does a former president enjoy presidential immunity from criminal prosecution for conduct alleged to involve official acts during his tenure in office."

In response to what the Court's framing of its question could mean, Adam replied, "It indicates a narrow answer to a narrow question."

He also noted that he was immediately struck by the omission of any mention of the impeachment clause, which Trump argues bars the criminal prosecution of presidents who were impeached by the U.S. House of Representatives but not convicted by the U.S. Senate under double jeopardy principles.

To read the article, click on the link below (subscription may be required).

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