

[Boom! Lawyered: What It's Like to Argue—and Win—at the Supreme Court](#)

Imani Gandy: Hello, fellow law nerds. Welcome to a special episode of Boom! Lawyered, a Rewire.News podcast hosted by the legal journalism team, that... I guess...? [laughter] I'm Imani Gandy.

Jessica Pieklo: And I'm Jess Pieklo. Rewire.News is dedicated to bringing you the best reproductive rights and social justice news, commentary, and analysis on the web, and the team legal podcast is part of that mission. So a big thanks to our subscribers and a welcome to our new listeners!

Imani Gandy: So Jess, I really need you to do me a favor.

Jessica Pieklo: Okay.

Imani Gandy: I need you to just slap me.

Jessica Pieklo: What? No. Okay. Imani, look, first of all, you're in California and I'm in Colorado, so that's actually impossible. But what? Why?

Imani Gandy: I need you to slap me because I still cannot believe that the Supreme Court didn't totally crap the bed on abortion rights.

Jessica Pieklo: Right? I know. I am still stunned. Honestly, none of this feels real, but that's why I am extra, extra, extra excited that we have on the show today, the lawyer who won it all.

Imani Gandy: Julie Rikelman?

Jess: Julie Rikelman.

Imani: Julie Rikelman!

[music]

Jessica Pieklo: We are speaking with Julie Rikelman, Litigation Director for the Center for Reproductive Rights, who was the lead attorney in *June Medical Services versus Russo* and captain of the team that got Chief Justice John Roberts to sign on to an abortion rights win. That is no small feat. We are thrilled to have you talking with us. Welcome to the show, Julie.

Julie Rikelman: Thank you so much.

Imani Gandy: So excited. Yay!

Jessica Pieklo: Yay!

Imani Gandy: Yeah, it's exciting.

Jessica Pieklo: We're starstruck.

Imani Gandy: This is exciting, and especially going to be exciting I think for our listeners who some of whom are in law school now, some of whom have literally told us we want to go to law school and do reproductive rights law, which is amazing. And it's not something that was available to me when I went to law school. So yeah, this is exciting.

Jessica Pieklo: So exciting. So, Julie, I have just a real basic question for you, because I'm super curious about this. I've never done it. What's it like to argue a case at the Supreme Court?

Julie Rikelman: Well, it is absolutely amazing. Definitely my professional highlight, no doubt about it. One of the things I just want to say is when you walk into the Supreme Court, the building itself is just amazing. It is a marble building with fancy ceilings, and you can just sort of feel the importance of what you're doing just by being there. I want to say that it's hard to actually get into the Supreme Court. People might not know this to watch an oral argument about a high profile case, like an abortion rights case. So the courtroom isn't that big, it's pretty intimate.

The Center has a litigation team of about 25 people. And so the members of my team, many of them had to actually sleep outside or get into line at three or four o'clock in the morning, including one of my teammates who was breastfeeding to do that, just to be able to see the oral argument. So when I got into the court and I saw that they had all made it in and were there, we actually did a really big group hug, and that was kind of an amazing thing to do right before the oral argument began.

Jessica Pieklo: And back when we could still hug people.

Julie Rikelman: You know, absolutely. Actually, so this argument happened on March 4th and literally a week later, the COVID pandemic hit all of us really hard. And so it was a crazy, surreal experience to be at the court on a beautiful blue sky day. There was a beautiful rally outside. It was sort of really the last time people in the reproductive rights and justice movement were all together from all over the country. And so that made it extra special for that reason.

Imani Gandy: I just want to ask a basic question. Did you sleep the night before or was that just not an option? Were you just like, "I'm just going to power through and I can sleep when I'm dead?"

Julie Rikelman: I really did not sleep, though I made a valiant effort. So, people say it takes a village and it really does. I have two kids, I have two daughters they're 12 and 10. And so I wanted my husband, who's also a lawyer -- we met in law school -- I wanted him to be there with me at the oral argument. So he came to D.C. the night before. One of my kids stayed in our house with one of my friends, another one went to sleep over somewhere else. But my husband was there with me and I thought, okay, my husband will be there. I'll be able to get a few hours' sleep. This is going to be a big help.

I am not kidding, the fire alarm in my D.C. hotel started going off at 11:00 PM and it continued to go off for like three or four hours. And just as terrible and high pitched as a fire alarm you imagine to be, and so I think maybe I slept an hour, maybe not even that. And when I got there, the one thing that made me feel better is one of my co-counsel told me that he actually didn't sleep at all, not even a minute before his first oral argument at the Supreme Court. So I thought, "Okay, I can power through, I can do this."

Jessica Pieklo: Do we know where the attorneys for the state of Louisiana were the night before? I have some questions.

Julie Rikelman: We do not know. It was crazy.

Jessica Pieklo: I'm just kidding.

Julie Rikelman: I really couldn't believe it honestly.

Jessica Pieklo: Juuuust kidding! [laughter]

Imani Gandy: That's really funny.

Julie Rikelman: It was quite funny because my co-lead counsel on the case, T.J. Tu, was staying at the same hotel and he had specifically told me, "I stayed at this hotel before. It's great. It's really quiet. It's going to be perfect for you." He started texting me at 11:30 and said, "I'm so sorry. I really hope you don't kill me, because ..."

Imani Gandy: Well, I'm sure he couldn't have known.

Jessica Pieklo: Oh, that's amazing. So, oral arguments are obviously these pressure cookers, and you've got this limited amount of time. You don't necessarily know what is going to be coming at you. How do you just organize your thoughts? I mean, it takes me forever to organize for a podcast, let alone like a Supreme Court argument. What's the process like for you?

Julie Rikelman: Well, it was a very intense process. So I, of course, felt so much what was at stake in this case for my clients, for people in Louisiana, it was the first abortion rights case in front of the new Supreme Court. I just wanted to feel that I had done everything I could possibly humanly do to be as prepared as possible. I do

not want to look back and think if I had just read that one other case, if I adjust did this one other question and in a practice session, things would've been different.

So honestly, I prepared, I spent so many hours preparing with my teams, the team, it's always a team effort and I did eight different moots, so eight different practice sessions with lots of different lawyers, both from our movement, but also people that appear in front of the Supreme Court regularly. I think we gathered all the different questions that I was asked at those moots. We really looked at them carefully, figured out sort of what the 30 or 40 questions were that I was being asked repeatedly. And then we worked together to figure out the best possible, most accurate, but also shortest answer to all of those questions. And then I just practiced those and I practiced them and I practiced them some more. I have to say that I was not asked a single question at the oral argument that I was not prepared to answer.

Imani Gandy: Really? That's amazing.

Julie Rikelman: Yeah, and that I had not practiced answering.

Imani Gandy: So you would say that you practiced a lot more than, say, Jay Floyd did when he just rolled up to argue before the Supreme Court in Roe V Wade, having not really brought any notes or practiced at all.

[laughter]

Julie Rikelman: I would say that I practiced a lot. Yes, I really wanted to make sure that I could do the best possible job I could do.

Jessica Pieklo: Did the other attorneys at the Center draw straws to see who gets to be John Roberts in the moot arguments -- or Sam Alito? How does this work? This is amazing to me.

Julie Rikelman: Yes. So one of the moots, one of the practice sessions I did was with everybody on the team and other folks at the Center and yes, they love being the ones to ask the real questions.

Jessica Pieklo: I'm sure.

Imani Gandy: Yeah.

Julie Rikelman: So they are a tough group of justices and there are many more than nine of them. So that was definitely a tough moot.

Imani Gandy: So, Jess and I are both former litigators. So are there any pretrial rituals that you do? Do you have a special pair of socks that you wear or do you, I don't know, praise Ruth Bader Ginsburg and Sonia Sotomayor four times? I mean, is there

anything that you do or do you just sort of center yourself, breathe, go in and just kick butt?

Julie Rikelman: Really the thing I did is: I tried to actually eat really healthy food. The day before I had oatmeal with fruit. The morning of the oral argument, in addition to some coffee, I tried to get some exercise and I actually did try to do a little bit of sort of meditation. I don't think I was really successful in clearing my mind. I don't want to lie that I was able to do that. [laughter] But I did sort of try to do just a little bit of self-care and having my husband there was obviously a big part of that. I was really glad he was there with me because we met on our first day of law school. So it was nice to have him there. And he'd been taking care of the kids for many months.

Jessica Pieklo: Oh my gosh! What a story, like that arc of meeting your first day of law school and then having him take care of the kids while you're kicking butt at the Supreme Court, I love that. That's fantastic.

Julie Rikelman: When I walked out, so the way it works at the Supreme Court is once the oral argument is done, all of the folks who were listening leave, the lawyers leave last because you wait for everyone else to go out. And so everybody was gone and I think he was waiting for us on the steps of the Supreme Court. And I walked out and I went straight to my husband and he was crying and my husband does not cry very often, but he was crying.

Imani Gandy: Oh, that's really sweet. He was super proud of you.

Jessica Pieklo: Oh, I can really imagine.

Julie Rikelman: He was really proud.

Imani Gandy: Definitely.

Jessica Pieklo: Did your kids get what was going on? I have kids around that age and they are like, so not impressed with everything. So were they like, my mom is doing this really amazing thing or were they like, I'm hungry? Where are we going for lunch? I was told there would be brunch.

Imani Gandy: I was told there would be snacks, and I've not seen a single snack.

[laughter]

Julie Rikelman: Yes. Probably more towards that end of the spectrum, but no, actually so I have two daughters. My younger daughter really actually loves talking about the fact that her mom is a change maker. That's the language they use at their school when they learn about various parts of history and the civil rights movement. So I think she's really proud of that.

I actually think during COVID-19, it's obviously been incredibly hard for many people and their families, but they've actually watched me get on the computer every single decision day, watching SCOTUSblog, because we didn't know what day it would come out. So they would see me get ready, wait, see my reaction when we didn't get it yet. And so I think they've actually got a much better sense now of what it all entails, and they were really, really excited when the decision came down.

Imani Gandy: So when you saw it, what was your first reaction? Because mine was, I burst into tears. It's just kind of like and, I can't even imagine what it must've been like for who actually argued the case. So what was your immediate reaction?

Julie Rikelman: I feel like I still haven't really had a chance to process it to be perfectly honest, because I had so many things that I just needed to do once we saw the decision. So I saw the decision, I saw that Justice Breyer had written the plurality and that Chief Justice Roberts had joined. So I knew we had won and we had blocked the law. So the most important thing we needed to do was we needed to tell our clients, we needed to tell our other clients and then we just had to get ready for the day.

So there wasn't much space for me to process it. I think I'm still kind of working through it, but really it was just a huge feeling of relief because as you all know, abortion access in Louisiana is already really, really hard. There are only three clinics left and if access had become even worse, if it had decreased even more, it just would have been devastating for people in the state. The vast majority of people who need abortion in Louisiana are people who are struggling to make ends meet, people of color, and those folks are already the ones who are experiencing the racial violence and the racial disparities around COVID-19. They did not need the state of Louisiana to decrease their access to abortion even further right now. So really it was just a huge sense of relief.

Jessica Pieklo: What was it like having that call with your clients like to deliver that news? Describe that moment. I just got chills even thinking about it.

Julie Rikelman: It was really a wonderful moment. My clients are amazing, Hope Medical Group for Women and the people that work there, they just work day in and day out to just try and provide abortion services to their community. In June, this June was the 40th anniversary of their opening in Shreveport, Louisiana. So they got to celebrate being there in that community for 40 years. They're just my heroes because they work under such difficult conditions. They have protesters out there all the time, the state coming in, trying to investigate them, shut them down for unjustified reasons. And so it was just amazing to be able to tell them, you can stay open, you don't have to jump. You and your patients don't have to deal with one more barrier. And this case is over after six years. It's been six years.

Imani Gandy: Six years.

Jessica Pieklo: That's another thing I think people don't totally understand. I mean, we cover these cases and Imani and I are both lawyers, but litigation lasts a long time.

Imani Gandy: Yes.

Jessica Pieklo: Six years.

Julie Rikelman: A really, really long time and almost to the day because we filed the case in August, 2014. So it'll be six years exactly in about a month and just thousands and thousands and thousands of hours of work for us and our client over those years.

Imani Gandy: But certainly the work isn't over, right? I mean, there's four cases that the court is taking apparently next term. There are cases that are percolating in Louisiana that are ongoing. And so what's next for abortion rights in the state? What's next for abortion rights in the courts? Tell us what to do, what to expect. Guide us.

Julie Rikelman: You are absolutely right. The fight is not over. I want to sort of speak from both realism and optimism. So, realistically we have to understand that what this decision did was just preserve the status quo. And we all know that the status quo is not good enough for abortion access, that we actually need to work to extend access, reduce racial disparities, make abortion more affordable. So the fight really continues. You're absolutely right. There are a couple of other lawsuits just in Louisiana, many, many lawsuits around the country. And the opposition is relentless. It keeps passing restrictions year after year after year at the state level.

And so just in the middle of all of this, in the last week Tennessee passed another one of these bans, all out bans on abortion. So instead of trying to help people right now who are struggling with COVID, who are losing their jobs or trying to take care of their families, they are passing laws to ban abortion. So the fight absolutely continues. I think in addition to the bans, there are laws out there that would make it almost impossible for people to get an abortion after about 15 weeks, other laws that would extend mandatory delays. So, it's not enough to make people wait 24 hours and make two trips to the clinic. Some states want to make it 48 hours or even 72 hours. So we have to continue to fight against all of those restrictions, state by state and law by law.

Jessica Pieklo: A lot of fights still to come. What would you say to our listeners who are in law school thinking about going into reproductive rights litigation, or maybe considering law school? Like there's work to be done. What should we tell them?

Julie Rikelman: I would encourage them to do it. Come join us, come do this work. I have been a lawyer now for 23 years, I think, if I'm doing my math right?

Jessica Pieklo: Goddamn, that's fantastic. Congratulations.

Julie Rikelman: Thank you.

Imani Gandy: Yeah, congratulations for surviving that long. I was out after 13.

Julie Rikelman: Yeah. I graduated in 1997 and I had spent pretty much a little bit more than half of my career doing this kind of work. And it is hard. And I can't pretend that I have great work-life balance, but I really believe in what I do. And that's always what I wanted. I wanted to have a job that I could feel proud telling my kids that this is what I devote most of my waking hours to. And so I'm really glad that this is what I've done. Like I said, there's a lot work left to do, but I encourage others to join us because we need lots of people of all different experiences and backgrounds to be part of this fight.

Jessica Pieklo: Julie, thank you so much for your time. This has been amazing. I think Imani and I could probably keep you on and talk for like another hour.

Imani Gandy: Absolutely.

Jessica Pieklo: But congratulations to you and your team for such a phenomenal win. Thank you all for all your dedication and hard work for fighting for the rights and access for all of us. That is really outstanding work. So good job all around.

Imani Gandy: Yeah, and thank your husband and your kids for being there and giving the space to get you to rack up this amazing win for pregnant people in Louisiana.

Julie Rikelman: Thank you so much. I really appreciate that you had me. We love listening to this podcast. So thanks for covering these issues and thanks for always being fun to listen to!

Jessica Pieklo: Oh, yay!

Imani Gandy: Thank you.

[music]

Jessica Pieklo: Thank you so much. Oh my God, you guys. We got so many donations in the last two weeks, we are blown away, like entirely.

Imani Gandy: Just blown clear out of the sky. So we want to thank you so much to Matthew and Steven who each gave extremely, extremely generous donations. Thank you very much. Thank you to Andrew, Brian, Erin, Jonathan, Stephanie, and Timothy.

Jessica Pieklo: And Imani, we also got a bunch of new monthly donors, too.

Imani Gandy: What?

Jessica Pieklo: So welcome aboard the team legal crew to Ariana, Amelie, Sarah, Angela, Clarissa, Keith, and Mackenzie. We are so psyched to have you. Thank you.

Imani Gandy: So that's going to wrap it up for us today. If you'd like to talk to us about any of this stuff, you can follow me on Twitter @angryblacklady. You can follow Hegemommy on Twitter @Hegemommy, and you could and you really should follow Rewire.News @Rewire_News. And our first Instagram live was this week, Jess. We did an Instagram live.

Jessica Pieklo: It was so fun.

Imani Gandy: It was really fun. Like a couple of middle-aged broads on the Instagrams.

Jessica Pieklo: I'm going to put a caftan on next time, get more in character.

Imani Gandy: A caftan and a turban. But we are going to be doing more Instagram lives. So you should go on to Instagram and follow @rewire.news because that's where all the action is going to be.

Jessica Pieklo: It is.

Imani Gandy: There's also a lot of action in our Facebook group. We've got about 1300 members. So you should walk, don't run. No wait, that says run, don't walk.

Jessica Pieklo: Run, don't walk.

Imani Gandy: Walk because you don't want to get overheated. So just take a nice amble over to Facebook. Look for Boom! Lawyered, answer your questions.

Jessica Pieklo: Make sure you're wearing a mask.

Imani Gandy: Make sure you're wearing a mask because self-distancing and mask wearing is important. And we'll let you write in.

Jessica Pieklo: Yes.

Imani Gandy: And aside from that, Jess.

Jessica Pieklo: See you on the tubes, folks.

Imani Gandy: See you on the tubes, folks.

Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.