

Politico Launches Attack On SCOTUS Justices' Working Spouses

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The corporate media and leftist activists have been engaged in a non-stop effort to undermine the public's trust in the Supreme Court as the court moves in a more conservative and originalist direction. Politico recently published a hit [piece](#) criticizing the justices for not disclosing their working spouses' clients in their annual financial disclosure form, claiming that by not disclosing these clients, the justices have heightened serious conflict of interest concerns about their participation in cases.

But these concerns are nonsense. The justices are required to disclose the same amount of information about their spouses as are members of Congress and executive branch officials. The left never had a problem with previous liberal justices not disclosing the clients of a spouse, but now Politico wants justices to live by a higher standard than any other public official. It's unnecessary and unfair.

Politico first attacks Justice Amy Coney Barrett for not disclosing her husband's clients at his law firm on her financial disclosure form, but Barrett complied with all legal requirements, and no other justice has previously disclosed a spouse's clients. Jesse Barrett's law firm does not have a Supreme Court practice nor has his firm ever represented a client before the Supreme Court.

Politico then spends much of its article unfairly attacking Jane Roberts, the wife of Chief Justice John Roberts, who works at a legal recruiting/placement firm. According to Politico's reporting,

Ms. Roberts has placed lawyers at law firms that have Supreme Court practices, and she is paid a percentage by the law firm of the recruited lawyer's first year of compensation.

Jane Roberts' lawyer recruiting and placement work doesn't trigger any recusal issue under the relevant law. She is not a party to litigation nor a lawyer appearing before the court, and there is no suggestion that she has a financial interest in any case.

Pursuant to the relevant financial disclosure law, the [Ethics in Government Act](#), and [guidance](#) Chief Justice Roberts is only required to list the name of his wife's employer if the spouse receives more than \$1,000 from that employer, and that's what he does. The law also provides that if the judicial "spouse is self-employed in business or a profession, only the nature of such business or profession need be reported." But now, Politico and its dependable left-wing judicial ethics experts, such as Professor Stephen Gillers and Gabe Roth from Fix The Court, an [organization](#) funded by left-wing dark money, claim that the court's integrity is at stake if justices do not disclose their spouse's clients.

In addition to attacking the chief justice and Justice Barrett, Politico attacks Justice Clarence Thomas and his wife Ginni for not disclosing her clients, and even makes a passing reference to Justice Ketanji Brown Jackson and her husband, who is a physician and has consulting clients in medical malpractice cases that are not disclosed on her disclosure forms.

But other justices have had spouses who have practiced law during their time on the court, and until now, there has been little if any controversy over it. In its 4,300-plus word investigative article, Politico never mentions Justice Ruth Bader Ginsburg, whose husband practiced law at a major law firm from the time she arrived on the court in 1993 until he retired in 2009. Justice Ginsburg never disclosed Marty Ginsburg's clients on her disclosure forms. Marty Ginsburg's law firm colleagues appeared before the Supreme Court many times, and Justice Ginsburg never recused herself. I do not recall the media nor Professor Gillers raising concerns about the

need to disclose spouses' clients when Justice Ginsburg's husband was practicing.

But now, in the Politico piece, Professor Gillers argues for a broader justice's spousal disclosure standard: "[W]hy should a justice's spouse not have to reveal a very large payment from a client that could substantially improve a justice's quality of life?"

The better question is what business is it of anyone's if that spouse's client does not have any case before the Supreme Court? And if a spouse's client has a case before the court and the spouse has a financial interest in the outcome of the case, the justice is required to recuse under the [recusal law](#).

This new disclosure standard would violate client confidence and amount to a marriage penalty for working spouses of justices. A justice's spouse could not practice law, medicine, psychiatry, or any other profession where client confidentiality is important. And spouses in other professions would be unnecessarily put at a competitive disadvantage.

Moreover, this level of disclosure has never been required of any other public official in the executive and legislative branches which have an even greater effect on American citizens' lives through legislation and regulations. Pursuant to the same [Ethics In Government Act](#), members of Congress (and staff) and executive branch officials also are only required to disclose the employer of their spouse if they make more than \$1,000 from that source. And if that spouse is self-employed, the spouse still does not need to disclose clients. Thus, these officials' spouse's clients or income are not required to be disclosed. For example, Sen. Mazie Hirono's spouse is a lawyer who works at a law firm. On her 2022 disclosure form, Hirono simply lists the law firm name and that her spouse makes more than \$1,000 from that firm.

Arguably, these congressional and executive branch spouses could make significant money from clients interested in federal legislation or regulations. But the ethics laws and rules were written with the

recognition that this type of disclosure is unnecessary and would likely make it unappealing to serve in government. Under this same law, lower court federal judges also do not have to disclose a spouse's clients or income.

Politico attempts to manufacture a false "conflict of interest" issue for the court by not disclosing that no other federal employee, from members of Congress to cabinet secretaries to lower court judges, is required to disclose the names of a spouse's clients. This is another despicable attempt by the left to smear the integrity of our justices as the court is beginning to overturn long-standing liberal precedents by holding them to an outrageous standard to which no other federal employee is subject. The justices should not be subjected to this more onerous standard, and any requirement for such disclosure would be a disservice to these working spouses, a disservice to the Justices, and a disservice to the court.

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