

# Biden Judges and Accountability for Donald Trump and His Allies

Cases concerning efforts to hold former President Trump and his allies accountable for misconduct are increasingly appearing on federal court dockets around the country. Appellate judges nominated by President Biden have played an important role in three such cases so far, including one that upheld a key legal theory used in the latest indictment against Trump. Judges nominated by Trump dissented in several of these cases.

In an April decision by Judge Florence Pan, who was nominated to the D.C. Circuit by President Biden, the court [ruled](#) that the federal law against “corruptly obstruct[ing]” an “official proceeding” of the federal government can be used to prosecute rioters who disrupted the 2020 election certification process on January 6. The decision reversed a holding by a Trump district judge and drew a dissent from a Trump appellate judge, who argued that the law only applies where the disruption involves destruction or other interference involving documents. Election law expert Rick Hasen suggested that the law could similarly be used to prosecute Donald Trump for his attempted obstruction of the 2020 election certification. Sure enough, the latest [criminal indictment](#) of Trump does exactly that. Trump will likely challenge this use of the law along the lines accepted by several Trump judges, but Judge Pan’s ruling sets an important precedent.

In another DC appellate case, Biden judges Pan and Michelle Childs were two of the three judges who [ordered](#) in March that Trump lawyer Evan Corcoran immediately produce documents sought by Special Counsel Jack Smith. Smith sought the materials in connection with his probe into Trump’s misconduct concerning classified documents. Corcoran complied with the order, and the indictment of Trump concerning classified documents was issued several months later.



In an earlier case last year, Biden judge Toby Heytens of the Fourth Circuit [wrote](#) a decision holding that people who take part in an insurrection as on January 6 can be barred from holding public office under section 3 of the Fourteenth Amendment. That ruling overturned one by a Trump district judge. The case concerned efforts by North Carolina citizens to prevent Madison Cawthorne, who had participated in the insurrection and was running for reelection, from running for office under section 3. A partial dissent by a Trump judge would have allowed lower courts to “stonewall” such efforts by citizens.

These cases provide concrete illustration of the importance of having fair-minded federal court judges on the bench as the courts consider issues relating to accountability for Donald Trump and his allies. We must all work to help confirm more of these Biden nominees to our federal courts.

