

‘Jan. 6 Did Not Come Out of Nowhere’: Paul Weiss’ Jeannie Rhee on Countering Hate in Court and What Lawyers Are Missing in the Pandemic

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BY JACQUELINE THOMSEN

Before the Jan. 6 assault on the U.S. Capitol building one year ago, Paul, Weiss, Rifkind, Wharton & Garrison partner Jeannie Rhee was already in court over the actions of Proud Boys in Washington, D.C.

Paul Weiss, along with the Lawyers’ Committee for Civil Rights Under Law and the Washington Lawyers’ Committee for Civil Rights & Urban Affairs, on Jan. 4, 2021, filed a lawsuit against the Proud Boys and its leader Enrique Tarrio over the destruction of a Black Lives Matter flag at a historic Black church in D.C. The firm is now taking on the Proud Boys again, through a lawsuit filed by D.C. against the group and the Oath Keepers, alleging a conspiracy to try and block the certification of the 2020 election results.

In an interview on the first anniversary of Jan. 6, Rhee talked about Paul Weiss’ work against white supremacy and how its efforts predate the Capitol riots. “The thing that I think is really important about the work of the firm is that we really anticipated what was to come,” she said.

The firm is no stranger to lawsuits alleging similar civil conspiracies. Paul Weiss was part of the legal team that brought the white nationalist organizers of the deadly 2017 rally in Charlottesville, Virginia, to trial earlier this year, and secured a verdict in which the jury awarded over \$25 million in damages to be paid by the defendants. That case invoked the Ku Klux Klan Act, a statute raised in Paul Weiss’ latest Jan. 6 lawsuit, but the Charlottesville

jury deadlocked on those claims.

Rhee also spoke about what it means for her as an immigrant to play a role in these lawsuits, and what she fears the next generation of lawyers is missing as remote work continues into 2022. Responses have been edited for length and clarity.

Q: Paul Weiss actually filed its first lawsuit against the Proud Boys before Jan. 6, over the destruction of a Black Lives Matter banner at a historic Black church in D.C., and you’ve since secured a default judgment in that case. How did you and others at the firm decide to file that complaint?

A: The work that the firm engaged in with its co-counsel, the Lawyers’ Committee, was well before Jan. 6 and in fact before the holidays. A giant shout-out to the team and to the co-counsel and our client, because over the holidays last year, as we were watching events unfold, there was a lot of consternation about what was happening and there was a lot of work—monitoring and tracking, seeing what the Proud Boys were doing. And there was a



Jeannie Rhee of Paul, Weiss, Rifkind, Wharton & Garrison.

Courtesy photo

tremendous amount of effort that went into filing that complaint well before Jan. 4.

There's been a commitment by the firm for some time to tackle the issue of white supremacy. And there had been some collaboration in the run up to this effort to find the right team to work on and collaborate together on it.

Q: More recently, you and others at Paul Weiss worked with D.C. and other groups to file a civil conspiracy lawsuit against the Proud Boys and the Oath Keepers over the Jan. 6 riots. How did that case come together? Was it kind of a natural progression of the previous case you had worked on?

A: I think so. The firm, both in its work in the Charlottesville case and its work in Metro AME case, has developed some subject matter expertise. Each of these cases has separate co-counsel and different clients and the like, but I think the common throughline is the commitment of the firm to take on these matters.

Q: I noticed that unlike other civil lawsuits that have been filed over Jan. 6, this more recent one filed on behalf of D.C. didn't name former President Trump as a defendant. I was curious if you could talk about why that is?

A: I don't want to speak to the particulars about the case; I think the complaint speaks for itself. But I think, again, what's important here is that this is a complaint that is some time coming and the focus is on the utilization of the Ku Klux Klan Act provision to take on what is really a concerted effort by the Oath Keepers and the Proud Boys to impede the official carrying out of functions and duties.

Q: Speaking of the Charlottesville case that you just referenced, that case also involved the Ku Klux Klan Act. The jury there deadlocked on those claims, but can you talk about how that case in particular helped inform this latest Jan. 6 lawsuit?

A: I think it's really about the revitalization of these provisions, which were enacted in order to effectuate the rule of law. There was a promotion of civil rights because the genesis of those provisions are about enforcing and validating the civil rights of all participants.

Obviously, we benefit from all of the work that the Charlottesville team did and we will be in

close collaboration as we go forward. But we also acknowledge and want to let each of the cases stand on their own.

Q: You've recently said in remarks that you made at NAPABA that the firm has received threats over its work on these cases. What kind of support are you and other lawyers receiving as you work on this kind of litigation?

A: The firm has been extraordinary. I think it's important to note that these are matters that are not cost free. There are lots of, I think, others who have shied away from taking on these matters because they're not without controversy. But I'm just extraordinarily privileged, and I think we all are at the firm, to be at a place where we live our values, and the firm has not shied away from taking these on because we believe in the rule of law and in standing up for our principles and living those principles.

Q: What does it mean for you personally to be involved in these cases and to be playing a role in challenging these far-right and extremist groups who effectively attempted to conduct an insurrection a year ago?

A: I live in the District of Columbia, and I am an immigrant who had the great privilege of coming to this country and being embraced and to have built a career here. To me, it felt so personal. The notion that we cannot have an orderly transition of government after an election is an affront, it's an assault on all of the values that we hold dear. And so to be able to actually play even the smallest role in being able to vindicate those rights, it's a real honor.

Q: We've seen over 700 criminal cases come out of Jan. 6 prosecutions against folks who were there, and it seems like these civil lawsuits are going a step further in asking, who was responsible for the events that led up to that day? Can you talk about why you think it's important for this civil litigation to play out as these criminal prosecutions are also taking place in D.C.?

A: I think this is the reason why we are so proud in particular of the work that we did ahead of Jan. 6. I think there is this kind of common throughline from Charlottesville to our Metro AME case to Jan. 6.

Jan. 6 did not come out of nowhere, and that Paul Weiss has been committed to this work well before Jan. 6, because the underlying organizations, the coordination, the entities, the individuals were at work that day. And that's what these cases demonstrate.

Q: During your time working for Special Counsel Robert Mueller, you worked on election interference efforts by foreign entities. While that topic came up ahead of the 2020 election, it really seems like it was misinformation and disinformation from domestic sources, and specifically the former president and his attorneys, that led to people doubting the election results. What was it like for you to see other attorneys making false statements about election fraud and are you concerned that it could happen again in the future?

A: I think that we all need to be vigilant about election interference, whether domestic or foreign. Again, I think as attorneys, we have a particular duty to uphold the rule of law and a fundamental pillar of that is the right to vote and the sanctity of the vote and the orderly transition.

Q: Switching gears a bit, we're almost a year into the Biden administration. What are some of the big enforcement areas you've seen the administration focus on so far? Do you have any predictions on what we might be able to expect from them in year two?

A: Bridging the two topics, I just think the common throughline here is how much of our lives are lived online and the vulnerability that comes with it. Cybersecurity, enforcement around that, the fragility of that in all of its manifestations around the supply chain and enforcement around that, various initiatives that have been articulated by the administration—it's always going to continue to be on the forefront here.

I think the transformation is such that it's no longer just around privacy, right? It's everywhere. It's about the transformation of payment. It's not just crypto, just the proliferation of all forms of alternative payments and enforcement that needs to catch up and how to regulate and monitor that. I think that there's so much that is transformational, in the way that we are all living our lives online.

Q: Speaking of transformational, it's now 2022. We're still dealing with the spread of COVID. What has it been like for you to be practicing in a pandemic for the past two years?

A: There have been obvious benefits to it because we, again, in this thread of being online, the interconnectedness allows us to always be on and available. I think the last few years have been a testament to how far we've come in technology so that we can carry on seamlessly in that way. But I think it's also demonstrated how much cost that has on all of us, right? Because there's no downtime and there's isolation, and the security and vulnerability issues. So I think that we've all personally experienced the fragility of it all.

Q: Do you enjoy remote working, or are you kind of itching to get back into a courtroom?

A: I am itching to get back in a courtroom. (Laughs.) I am old school that way. For all the benefits, we are missing that personal interaction.

Q: I'm feeling the same way. As much as I appreciate the ability to be able to dial into court from home, it's not the same when you can't catch the reaction on the judge's face or be able to look over at opposing counsel and see how they're reacting to something that's happening in real time. I'm sure that's your experience as well.

A: You really don't, and I worry for this whole new younger generation of lawyers who haven't had the experience of this kind of old school impression model.

Q: Is that because they can't pick up on different factors in the courtroom or are there other elements missing?

A: I think it's all of the above. I think while there are lots of benefits that come with technology and being online, we do lose out on the old-school apprenticeship: Sitting side by side, being able to look sideways and picking up on those soft cues. You can't replace that. It's labor intensive and it's time intensive and it's costly, and in our frenzy to be efficient and to squeeze every last minute out of a day, I worry about the next generation of lawyers coming up through the ranks and how we're going to be able to impart those experiences onto them.