

DECLARATION OF TED L. ROTHSTEIN, M.D.

1. I, Ted J. Rothstein, M.D., am over the age of 18 and make this Declaration in support of Judge Pauline Newman's Response to the Judicial Council in her case before it.
2. I am a Neurologist practicing in Washington D.C. I am affiliated with the George Washington University Hospital. I received a medical degree from Virginia Commonwealth University School of Medicine.
3. I have practiced medicine for more than 30 years. I am Board Certified in Neurology. I served an internship at the Queens Hospital in Honolulu, Hawaii, and completed Residency in Neurology at University of Washington in Seattle, Washington.
4. I became Board Certified in Neurology in 1975 and am both a Fellow of the American Academy of Neurology and Stroke Fellow of the American Heart Association.
5. I have 32 peer reviewed publications in scientific journals and 100 presentations in my field.
6. My most recent publication is *Cortical Grey Matter Depletion Links with Neurological Sequelae in Post COVID-19 "Long Haulers,"* in BMC Neurol. 2023 Jan 17;23(1):22.
7. I make this Declaration based on personal knowledge as to my background, and information gleaned from examining Judge Newman on June 21, 2023. I produced a report based upon that examination on June 21, 2023, and it is attached as Exhibit 1 to this Declaration.
8. My examination of Judge Newman was, except as to adjust to her then broken wrist, complied in all respects with the Montreal Cognitive Assessment ("MoCa") test that is standard for assessing cognitive function.
9. Before administering the MoCa examination I took an oral medical and neurological history of Judge Newman. I also reviewed the analysis of Professor Andrew Michaels of the University of Houston on her representative opinions. At the time of my examination, she was under investigation by the Judicial Counsel for "medical impairments." My test demonstrated she had the cognitive function to continue to function as a judge in the court's proceedings.
10. It has been suggested that the MoCa test was inconclusive or unscientific because Judge Newman could not draw a clock at a particular time given her broken wrist.
11. The MoCa is a 30-point test and failure to draw a clock does not impede conclusions that can be drawn from the 3 points not testable. Moreover, a variety of elements are tested on MoCa, and spatial orientation is the only one that could not be evaluated on clock drawing.
12. Impaired wrist function does not preclude testing of cognitive function.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: August 29, 2023

/s/ Ted L. Rothstein
Ted L. Rothstein, M.D.

Exhibit 1
to the Declaration of
Ted L. Rothstein, M.D.



NEUROLOGY

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Ms. Pauline Newman is a 96 yo United States Circuit Judge of the US court of Appeals who is here to evaluate her mental status.

She is currently under investigation by her Court for "medical impairments" including having had a heart attack and 2 stents -which she denies having- and being "intellectually compromised" and no longer able to function in her capacity as a federal judge. As a consequence she has been denied access to new cases.

Judge Newman denies having cognitive impairment. Her opinions in the past year have been quantitatively analyzed by Law Professor Andrew Michaels at the University of Houston Law School and found to be exemplary. He did not perceive "a significant drop in the quality or thoroughness of her opinions" over the previous decade.

She believes that she is being unfairly treated by her judicial colleagues. Much of this controversy has been depicted in Washington Post accounts over her being prevented from continuing to hear and write opinions on current cases.

Past medical Hx: She has a prior hx of "sick sinus syndrome" which is treated with a Pacemaker and [REDACTED]

She is a graduate of Vassar College, received a Master of Arts from Columbia University, a Doctor of Philosophy in Chemistry from Yale University and law degree from NY University School of Law. There is no family hx for memory disorders or dementia.

Judge Newman broke her right wrist one week ago and her R wrist is in a cast. She is unable to write.

Review of systems is otherwise not contributory.

On examination,
Her speech is fluid, with normal content and articulation. She describes her medical history and background with great detail and eloquence.

A partial MoCA examination is performed as she is unable to write and therefore cannot follow trail or draw a cube (each worth one point on the 30 point test). She scores 24/28 failing to remember 4 of 5 words after several minutes. All other aspects of the test were precise and correct.

Her head is normocephalic.

Neck is supple.

Cranial nerves,

Fundusoscopic examination discloses bilateral cataracts. EOMi. PERRL.

Sensation is intact. Her face is symmetrical with normal smile and eye closure.

Hearing normal to voice.

Tongue protrudes in midline.

Sensory and Motor exam,

Sensation normal over both hands.

Her arm strength is not tested.

Her gait is normal with normal stride, turn and arm swing. Romberg is negative.

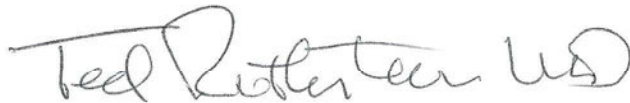
Reflexes are 2+ at the knees and ankles.

Impression,

Judge Newman has a slight limitation in immediate memory as reflected in her MoCA evaluation. Her cognition is otherwise completely normal. Her speech is normal and her ability to provide her vocational and medical history is precise and eloquent.

As she has a cardiac pacemaker and therefore she cannot undergo a Brain MRI with NeuroQuant which could have been used to measure volumes of key brain regions important for memory, she could have a more detailed neuropsychological evaluation as part of her neurological assessment..

My findings would support her having cognitive function sufficient to continue her participation in her court's proceedings.

A handwritten signature in black ink that reads "Ted Rothstein MD". The signature is written in a cursive style with a large, stylized initial "T".

Ted L. Rothstein MD
Professor of Neurology
George Washington University
June 21, 2023