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Hon. Pauline Newman Passes Medical Evaluation with Flying Colors, Forensic Psychiatrist Says

The Hon. Pauline Newman v. Hon. Kimberly A. Moore, Hon. Sharon Prost, Hon. Richard G. Taranto, et al.

Washington, DC (September 7, 2023) – The New Civil Liberties Alliance has released a forensic psychiatrist’s [report](#) detailing the clinical evaluation of the Hon. Pauline Newman, whose fellow judges are unlawfully attempting to oust her from a constitutionally appointed lifetime position as a Federal Circuit Court of Appeals judge. The results of the evaluation clearly demonstrate Judge Newman’s fitness to remain in active judicial service. A new [video](#) released by NCLA exposes the unjust treatment of Judge Newman and showcases her vibrant mind, vigor, and dignity for all to see.

Dr. Regina M. Carney, a full-time forensic psychiatrist at Miami Veteran’s Administration Medical Center, and an Assistant Professor in the Department of Psychiatry and Behavioral Sciences at the University of Miami’s Leonard M. Miller School of Medicine, performed a three-hour medical evaluation of Judge Newman on August 25. Prior to her examination, Dr. Carney reviewed Judge Newman’s medical records and various allegations leveled against her. In her subsequent report, Dr. Carney describes Judge Newman as “a fluent, engaging, strong-willed, highly accomplished and unusually cognitively intact 96-year-old woman...” Dr. Carney opined that “Judge Newman demonstrated no substantial emotional, medical, or psychiatric disability that would interfere with continuation of her longstanding duties as a Judge in the U.S. Court of Appeals.”

This is the second medical evaluation Judge Newman has undergone since early March, when the Judicial Council of the Federal Circuit, led by Chief Judge Kimberly Moore, indefinitely removed her from hearing new cases before any formal investigation even began. The Chief Judge launched an investigation alleging that Judge Newman was mentally incompetent to fulfill her judicial duties, and a Special Committee chaired by the Chief Judge ordered Judge Newman to submit to neurological testing despite lacking a factual basis for such an order.

Judge Newman voluntarily submitted to independent mental health exams by two experts: George Washington University neurologist Dr. Ted Rothstein and the aforementioned Dr. Carney. She was tested. She passed. Twice.

In his June 21 [report](#) after cognitively evaluating Judge Newman, Dr. Rothstein observed, “Her speech is normal and her ability to provide her vocational and medical history is precise and eloquent.” He concluded that Judge Newman has “cognitive function sufficient to continue participation in her court’s proceedings.”

The Special Committee’s July 31 Report, relying on little more than its own Google search, dismissed the validity of Dr. Rothstein’s report. Dr. Carney’s evaluation only reinforces the need for the Judicial Council’s investigation to be brought to a close and for Judge Newman to resume her service on the Federal Circuit at once.

NCLA released the following statements:

“Two independent medical providers have now evaluated Judge Newman and found her to competent to serve as a federal judge. People who have read Judge Newman’s opinions have reached the same conclusion. These

exams were not necessary in the first place, but they clearly show that the investigation against Judge Newman is baseless and that it is time to bring it to a close. Enough is enough.”

— **Greg Dolin, M.D., Senior Litigation Counsel, NCLA**

“The video NCLA is releasing today will show the whole country that Judge Newman is in fine fettle. She never should have been removed from the federal bench by this unlawful process to begin with. None of the Special Committee’s shifting rationales for keeping her off the bench have merit, and it certainly had no statutory or other authority to remove her before completing any investigation. It is high time for Judge Newman to get back to doing what she does best—hearing and deciding cases on the U.S. Court of Appeals for the Federal Circuit.”

— **Mark Chenoweth, President and General Counsel, NCLA**

For more information visit the case page [here](#) or watch the case video [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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