

1 * * * * * P R O C E E D I N G S * * * * *

2 THE COURTROOM DEPUTY: Good afternoon again, Your
3 Honor. We are now on the record for Soffer, et al. versus
4 George Washington University, civil action 25-CV-1657.

5 Counsel, will you please note your appearance for the
6 record, beginning with the plaintiffs.

7 MR. TORCHINSKY: Yes, Your Honor. Jason Torchinsky
8 of Holtzman Vogel for the plaintiffs.

9 THE COURT: Good afternoon.

10 MR. SCHWARTZ: Good afternoon, Your Honor. Jason
11 Schwartz on behalf of George Washington University.

12 THE COURT: Good afternoon.

13 MR. DELERY: Good afternoon, Your Honor. Stuart
14 Delery, also on behalf of George Washington University.

15 THE COURT: Good afternoon. Thank you all for being
16 here today.

17 On March 30th the Court issued an order temporarily
18 staying this case to allow me to assess whether I have a
19 conflict that warrants disqualification, disclosure to the
20 parties, or other appropriate action. I appreciate the parties
21 being able to get together today to discuss next steps.

22 I want to start by saying that my clerks and I review
23 every case for potential conflicts when the case is first
24 assigned, and then we periodically go through all of our
25 300-plus cases to make sure that no issues have arisen.

1 Sometimes, however, questions arise once we start digging into
2 the meat of a pending motion and into the record, which is what
3 happened here.

4 So this case is against the George Washington
5 University. In January of 2026 I began teaching a ten-person
6 class at the GWU Law School. Under the Code of Judicial
7 Conduct, teaching a class at a law school does not warrant
8 mandatory recusal from cases involving the larger university
9 because it does not confer ownership of a legal or equitable
10 interest or a relationship as a director, advisor, or other
11 active participant in the affairs of the party under Canon
12 3C(1) (c).

13 That said, upon digging into the merits of the
14 defendant's pending motion, I became concerned that my role as
15 an instructor at the law school could create the appearance of
16 a lack of impartiality, given that the plaintiffs challenge a
17 variety of actions taken by the University's administrators,
18 professors, and student body. Accordingly, I stayed the case
19 so that I could consult with the ethics attorneys in the
20 Administrative Office of the United States Courts, which is the
21 federal courts' governing body, and also to schedule this
22 status conference.

23 The lead ethics attorney with the Administrative
24 Office confirmed that my adjunct position at the law school is
25 not a financial interest that would lead to mandatory recusal

1 under the Code of Judicial Conduct. He further explained that
2 it was unlikely that recusal would be warranted under the more
3 permissive standard, which asks whether my impartiality could
4 be reasonably questioned as it pertains to being an adjunct
5 member of a faculty of a law school.

6 The inquiry, as defined by the administrative
7 conference, is whether -- and this is a quote -- "The judge's
8 impartiality might reasonably be questioned in view of the size
9 and cohesiveness of the university, the degree of independence
10 of the law school, the nature of the case, and related
11 factors."

12 Given that GW is a large university and the complaint
13 does not contain allegations concerning the law school, there
14 does not appear to be an objective basis on which my
15 impartiality could be questioned. That said, in an abundance
16 of caution, I believe the best course of action is to put the
17 question of my recusal to the parties, which is provided for
18 under Canon 3D.

19 Under Canon 3D of the Code of Judicial Conduct, "A
20 judge may disclose the basis of a potential disqualification on
21 the record, provide the parties and their lawyers an
22 opportunity to confer outside the presence of the judge, and if
23 the parties agree in writing that the judge should not be
24 disqualified, the judge may continue on the case. If any
25 party, however, does not wish the judge to continue, the case

1 will be randomly reassigned through the Clerk's Office."

2 So, given that, my instinct is to ask the parties to
3 meet and confer and to file a joint status report by the end of
4 the month. But before I did that, I did want to hear if the
5 parties have any thoughts that they wanted to share. I'm
6 certainly not asking whether anyone is taking a position on
7 whether I should recuse myself at this stage because that
8 should only happen after the parties have had a chance to
9 confer with their clients and with each other outside of my
10 presence.

11 So I guess my question, first, is: Do the parties
12 have any objection to that approach? So I'll start with
13 counsel for the plaintiffs.

14 MR. TORCHINSKY: No, Your Honor, I don't have any
15 objection to that approach, and I appreciate the time to be
16 able to consult with my clients and with opposing counsel.

17 THE COURT: All right. Anything from the defense?

18 MR. SCHWARTZ: No. We have no objection, Your Honor.

19 THE COURT: All right. So I was thinking if I give
20 the parties until the end of the month, I was thinking a status
21 report maybe on May 1st. Would that give the parties enough
22 time to confer with their clients and with each other?

23 MR. SCHWARTZ: Yes, Your Honor, for us.

24 MR. TORCHINSKY: Yes from the plaintiffs, Your Honor.

25 THE COURT: All right. Thank you. So then I will

1 direct the parties to meet and confer and file a joint status
2 report on or before May 1st, 2026. If all parties agree that I
3 may continue on the case, despite my adjunct position at the
4 law school, I will proceed to deciding the pending motion. But
5 if any party believes that I should be disqualified -- and you
6 should not tell me which party seeks my disqualification --
7 then I will recuse and the Clerk's Office would then, at that
8 point, randomly reassign the case.

9 All right. Thank you. Anything else from
10 Mr. Torchinsky?

11 MR. TORCHINSKY: Nothing further from the plaintiffs,
12 Your Honor.

13 THE COURT: All right. Anything from Mr. Schwartz or
14 Mr. Delery?

15 MR. SCHWARTZ: Nothing further from us either, Your
16 Honor. Thank you.

17 THE COURT: All right. Thank you very much. Again,
18 thank you for getting together. And I will be on the lookout
19 for that status report and then, depending on what you say
20 after discussing with your clients, either I will continue
21 apace or this case will be in a different courtroom in this
22 building. Thank you very much, and this matter is adjourned.

23 MR. SCHWARTZ: Thank you, Your Honor.

24 MR. TORCHINSKY: Thank you, Your Honor.

25 MR. DELERY: Thank you, Your Honor.

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CERTIFICATE OF OFFICIAL COURT REPORTER

I, JANICE DICKMAN, do hereby certify that the above and foregoing constitutes a true and accurate transcript of my stenographic notes and is a full, true and complete transcript of the proceedings to the best of my ability.

Dated this 24th day of April, 2026

Janice E. Dickman, CRR, CMR, CCR
Official Court Reporter
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