

Meet Barbara Jones, the Former Federal Judge Named to Monitor Trump Organization Finances

Media Mentions

December 17, 2022 | *USA TODAY* | 6 minute read | New York

© Kevin McCoy – USA TODAY NETWORK

Former U.S. District Court Judge Barbara S. Jones has been a go-to legal expert for court appointments as a special master or independent monitor in complex disputes.

She's also had a long and varied legal career, on and off the bench:

- The National Football League and its players association assigned her to determine whether the punishment the league imposed on one of its star running backs had been excessive.
- Federal judges tapped Jones for assignments to determine whether electronic material the FBI seized from two lawyers for former President Donald Trump and a conservative investigative group was protected by the First Amendment, or legal or constitutional privileges.
- She also presided over similarly high-profile and complex cases during her 16 years as a federal trial court judge in the Southern District of New York. The list includes the trial of a telecom executive charged in a massive accounting fraud case that sank his company and a case that ultimately led to a landmark Supreme Court ruling on same-sex marriage.

Now, Jones faces what may be her most difficult assignment so far – serving as the court-appointed monitor for some financial decisions by the Trump Organization. The appointment includes submissions of financial disclosures and asset valuations to outside parties, and overseeing any restructuring or disposition of significant assets.

Her appointment has come as Trump is seeking the Oval Office again amid a number of cases, investigations and other legal challenges for the former president and his businesses.

Related People

Barbara S. Jones

Partner

NEW YORK

+1.212.508.6105

barbara.jones@bracewell.com

Related Practices

[Government Enforcement &](#)

[Investigations](#)

[Monitorships](#)

BRACEWELL

Jones was appointed by the judge who's presiding over a massive civil lawsuit by the New York Attorney General's Office that accuses Trump, his companies, and his three oldest children of tax fraud and other charges. However, both sides in the case have agreed that Ivanka Trump's finances would not be monitored by Jones.

The case focuses on charges that Trump overstated his financial assets to win lower rates from lenders and insurers than he otherwise would have received.

The Trumps have denied the allegations and argued that a monitor would interfere with Trump Organization operations. They have challenged Jones' appointment as a monitor to a New York state appeals court.

Before they dropped a request to delay the appointment pending the appeal, the Trumps argued in court papers that the monitor appointment "ignores established law .., grants an immediate and unlawful prejudgment restraint on nearly \$5 billion in assets ... and imposes vague and onerous requirements."

Attorneys and others who have known Jones or been involved in legal matters she handled say the former federal judge and prosecutor is the ideal choice for the high stakes of the Trump assignment.

"There are very few people like her who have top legal credentials and are non-partisan," said Michael Cherkasky, executive chairman of Exiger and a former prosecutor who knows Jones from years ago when they worked in then-Manhattan District Attorney Robert Morgenthau's office.

"She was a good prosecutor, she was a good judge, she's good on the law, and she is fair," said Cherkasky.

Early Life and Career

Born in Inglewood, California, Jones earned her undergraduate degree from Mount St. Mary's College in Los Angeles. She received her law degree in 1973 from Temple University.

Jones' early legal career focused on fighting organized crime.

She served as a special attorney in the U.S. Department of Justice's Criminal Division, an assignment focused on organized crime and racketeering. Jones next spent several years as an assistant federal prosecutor in the Organized Crime Strike Force, based in the Manhattan U.S. Attorney's Office. She ultimately became the unit's chief.

That experience brought her to the attention of Morgenthau, who appointed her as his chief assistant district attorney.

Initially, "she was an outsider," in the legendary prosecutor's office, said Cherkasky, who was Morgenthau's chief of investigations at the time. "But her experience and clear ability made her part of the team."

On the Bench

In 1995, President Bill Clinton nominated Jones for the U.S. District Court in the Southern District of New York. The Senate easily confirmed her nomination with a voice vote.

It was Jones who presided over the 2005 trial of Bernard Ebbers, the chief of telecommunications giant WorldCom, who was accused in one of the largest corporate accounting scandals in U.S. history.

WorldCom collapsed into bankruptcy in 2002 amid allegations of an \$11 billion accounting fraud that included company executives pressuring employees to inflate the firm's financial data.

When Ebbers was convicted in 2005, Jones sentenced him to a 25-year prison term. An ailing Ebbers died in 2020, roughly one month after he was released early.

Of the scores of other cases Jones ruled on during her 16-year judicial tenure, one inarguably stands out.

Edith Windsor was angry after she had to pay \$363,053 in federal estate taxes to the Internal Revenue Service after the 2009 death of her wife, clinical psychologist Thea Spyer. After living together for 40 years, the couple had married in Canada in 2007.

But Windsor was blocked by the Defense of Marriage Act, a 1996 statute that barred federal government recognition of same-sex marriage partners as spouses. That meant Windsor, who inherited Spyer's estate, had no legal right to receive the estate tax-free, as would have been routine for any heterosexual marriage.

So she sued for a refund, arguing that the differential treatment under the law violated the Constitution.

Jones' [2012 decision](#) in the case concluded that the portion of the Defense of Marriage Act that had ensnared Windsor was unconstitutional.

"The statute creates a federal definition of marriage. But that definition does not give content to the fundamental right to marry – and it is the substance of that right, not its facial definition, that actually shapes the institution of marriage," wrote Jones.

In June 2013, the Supreme Court issued a [5-4 decision](#) concluding the Defense of Marriage Act was an unconstitutional "deprivation of the equal liberty of persons that is protected by the Fifth Amendment."

James Esseks, an American Civil Liberties Union attorney who worked on the case in the New York district court said Jones' ruling was "courageous" because public sentiment toward same-sex marriage at the time "was not what it is today."

BRACEWELL

“Judge Jones was somebody who looked at the law and the legal arguments and made a decision based on the law. And that’s exactly what you want a judge to do,” said Esseks.

Private Legal Practice

Jones has taken a similar approach to the legal matters she’s handled since she left the federal bench for private practice in 2013. She’s currently a partner at law firm Bracewell LLP, where she focuses her practice on special master and monitor assignments. Jones is also a board member of the International Association of Independent Court Monitors.

In 2013-14, she chaired the Response Systems to Adult Sexual Assault Panel, which examined sexual assaults in the military. The panel members spent months observing military installations, examining current U.S. protocols for sexual assaults in the armed forces and holding public hearings.

The more than 100 recommendations in their final June 2014 report included one that said assessment of the problem could be improved through creation of a military crime victimization survey that would determine the “actual number of unreported sexual assault crimes.”

Jones also got the call about a domestic abuse case that drew national attention.

In February 2014, Baltimore Ravens star running back Ray Rice struck his then-fiancée, Janay Palmer, inside an elevator of an Atlantic City hotel and casino. Palmer fell to the floor unconscious, striking her head on the elevator rail during the fall.

Rice was indicted on a charge of felony assault. The case ended with an agreement that the charge would be dismissed after one year if Rice completed an anger management course, attended counseling sessions and was not charged with new crimes.

Rice met with NFL Commissioner Roger Goodell. He and other NFL officials had seen video from a surveillance camera that showed Rice dragging Palmer out of the elevator. And they knew that a second video had recorded what happened inside the elevator.

Goodell initially imposed a two-game suspension.

Then, the video of the camera inside the elevator became public. It showed a graphic view of the assault and sparked public demands for tougher NFL action. Goodell imposed an indefinite suspension on Rice, as the NFL said the athlete allegedly had misled Goodell.

Tapped as an arbitrator, Jones investigated and ruled in Rice’s favor. Writing that she was “not persuaded that Rice lied to, or misled, the NFL,” Jones concluded the indefinite suspension was an abuse of discretion and “must be vacated.”

BRACEWELL

Others have turned to Jones as a monitor or special master in expectation of similar even-handedness.

She also was appointed to oversee Charter Communications' compliance with Federal Communications Commission requirements when the company acquired Time Warner Cable and Bright House Networks in 2016.

Federal judges presiding over investigations of former Trump attorneys Michael Cohen and Rudolph Giuliani selected Jones to oversee the handling of electronic devices seized from the attorneys by the FBI. Jones' job was to ensure that material covered by attorney-client privilege or other legal exceptions would not be used by prosecutors.

Jones was also tapped by U.S. District Court Judge Analisa Torres, who is overseeing Dec. 2021 FBI seizures from members of Project Veritas, a conservative political organization known for undercover videos.

The investigation is examining whether group members and James O'Keefe, the organization's founder, were involved in obtaining and disclosing parts of a diary that belonged to President Joe Biden's daughter, Ashley.

Attorneys from the group have said their clients did nothing improper or illegal.

Citing the First Amendment issues at stake in the seizures, Torres wrote that the appointment of an independent special master would signal that the investigation "would not only be fair but also appear to be fair" to all.

"There's a reason why she keeps getting picked for these high-profile monitor and special master assignments," Jeffrey Lichtman, a prominent New York City defense lawyer who is representing O'Keefe, said of Jones. "She's right down the middle, and comes across as no-nonsense and apolitical."

Originally published in USA TODAY. Reprinted with permission.