U.S. District Court Judge Emmett G. Sullivan has taken the unusual step of hiring an attorney to represent him as an appeals court reviews his decision not to immediately grant the [Justice Department's](https://www.foxnews.com/category/politics/justice-department) (DOJ's) request to dismiss its case against former National Security Adviser [Michael Flynn](https://www.foxnews.com/category/person/michael-flynn).

Sullivan hired attorney Beth Wilkinson who, according to [The Washington Post](https://www.washingtonpost.com/politics/federal-judge-hires-high-powered-dc-attorney-to-defend-his-actions-in-flynn-case/2020/05/23/9cae4d5e-9d0c-11ea-ac72-3841fcc9b35f_story.html), is expected to notify the D.C. Court of Appeals within the next week of her decision to represent him. Wilkinson reportedly is a go-to for high-profile officials in difficult situations. For example, she previously represented then-Supreme Court nominee Brett Kavanaugh as he fought sexual misconduct allegations in 2018.

The added representation compounded what has become an abnormal case, which is rooted in Flynn misleading the FBI about his contacts with Russia after the 2016 presidential election. Although Flynn pleaded guilty, he's currently seeking to withdraw that plea as the Justice Department argues that the FBI had an insufficient basis to interview him in the first place.

Rather than granting the DOJ's dismissal, Sullivan appointed a retired judge to argue against the department’s position and to consider whether Flynn should be held in criminal contempt for perjury.

[FBI DISCUSSED INTERVIEWING MICHAEL FLYNN 'TO GET HIM TO LIE' AND 'GET HIM FIRED,' HANDWRITTEN NOTES SHOW](https://www.foxnews.com/politics/michael-flynn-fbi-handwritten-notes-get-him-lie-fired)

Flynn's attorneys responded with an emergency petition Tuesday arguing that Sullivan had “egregiously” overstepped his authority. They argued that the judge “has no authority to adopt the role of prosecutor or change the issues in the case.”

“This is an umpire who has decided to steal public attention from the players and focus it on himself,” the lawyers wrote. “He wants to pitch, bat, run bases, and play shortstop. In truth, he is way out in left field.” Flynn's lawyers are seeking to essentially bypass Sullivan in getting the case dismissed.

Sullivan has scheduled arguments on the dismissal motion for July 16. In the meantime, the FBI has opened an internal review into how the bureau handled the investigation into Flynn -- something that caught renewed scrutiny after FBI notes showed the agency discussing whether it intended to "get him to lie."

A long list of scholars, including Harvard law professor Laurence Tribe, signed onto a brief arguing against the DOJ's motion to dismiss.

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