

An Open Letter to the Legal Community
Regarding President Trump's Attacks on Lawyers and Law Firms

Dear Colleagues:

We write to express our support for the law firms that have fought back against President Trump's unconstitutional attempts to target law firms and lawyers for advocacy the Trump Administration disfavors, and to express our profound disappointment that several of the country's largest law firms have capitulated in the face of these dangerous attacks on the rule of law.

As State Attorneys General, our offices regularly litigate against law firms that take positions adverse to our states and that sometimes advance arguments and policy positions that we vigorously disagree with. But our offices all recognize and respect a cardinal First Amendment principle: Advocates who appear in courtrooms must enjoy the right to speak freely on behalf of themselves and their clients without fear of retribution from their government. None of us would consider, much less implement, the types of retaliatory punishments that the Trump Administration has imposed on law firms and lawyers.

President Trump's executive orders targeting law firms and lawyers strike at the heart of that First Amendment principle and are unconstitutional on their face. Threatening law firms and lawyers because they have represented or employed political opponents of the Trump Administration or have expressed viewpoints disfavored by the Administration is a textbook violation of the First Amendment. Indeed, the executive orders plainly retaliate against lawyers based on protected speech and association, and they discriminate based on viewpoint. The executive orders also are inconsistent with the right to effective counsel, offend basic principles of due process, and undermine bedrock rule-of-law principles. Lawyers play a critical role in safeguarding our democracy, holding governments accountable when they violate the law. The Administration's unlawful attempts to deter lawyers from representing politically disfavored clients and from challenging the legality of the government's actions tear at the very fabric of our justice system and pave the way toward authoritarianism.

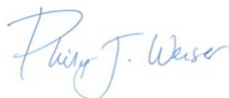
Unfortunately, several of the nation's largest law firms have capitulated to the Trump Administration's demands instead of fighting back against these unconstitutional threats to the rule of law. We are disappointed that these firms have chosen this path. President Trump is mounting an unprecedented assault on the rule of law. The nation's largest law firms are well-positioned to hold the Administration accountable when it violates the law. Indeed, given their resources, expertise, and experience, they are especially well-positioned to do so. Rather than defending the rule of law against attack, however, these law firms have acceded to the Trump Administration's demands, collectively making commitments to provide nearly one billion dollars of free legal services to support the Trump Administration's priorities. The President himself has indicated on multiple occasions that these firms will now provide free legal services on his Administration's behalf for causes or clients he or his associates select—assertions that these law firms have not publicly disputed. The terms of these “deals” have never been fully disclosed and may themselves be subject to change at the whims of the President or his Administration. The public deserves to know the terms of the agreements these law firms have reached.

The law firms that have surrendered in the face of the President’s demands have only emboldened his dangerous and damaging attacks on the legal profession and the rule of law. The President’s apparent calculation is that when prominent law firms waive the white flag, others will capitulate without a fight. In this dark moment, we must be clear-eyed about what is occurring. Together with the President’s other attempts to eliminate checks on executive power, this Administration’s efforts to co-opt the legal profession—aided by the complicity of some of America’s most prominent law firms—are unmistakable steps on a path to eviscerating the critical constitutional safeguards that have long distinguished our country from authoritarian regimes.

Fortunately, there is another path. Four law firms have sued to block President Trump’s unconstitutional executive orders: Perkins Coie, WilmerHale, Jenner & Block, and Susman Godfrey. These firms, as well as the courageous firms that have represented them in court and have supported them as amici, provide a model for how lawyers can stand up for the rule of law in this moment. All four law firms have won court orders temporarily blocking the executive orders targeting them. As one federal court recently put the point: “The framers of our Constitution would see this as a shocking abuse of power.” We agree.

The legal profession has a long and storied tradition of serving clients without fear or favor. Now more than ever, we must all embrace that tradition. We will proudly continue to stand shoulder to shoulder with the law firms that have chosen to fight back, along with their counsel, current and former General Counsel of leading companies, former judges, law professors, and the more than 800 other law firms that have joined amicus briefs in those cases. It is not too late for other law firms and lawyers to step forward and stand up for the rule of law. And it is not too late for the law firms that capitulated to the Administration’s demands to rescind their agreements and join us in the fight. We invite law firms to engage with our offices so that we can all stand together in preserving the integrity of our legal system.

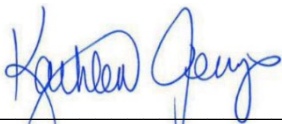
Sincerely,



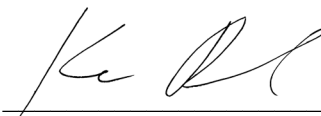
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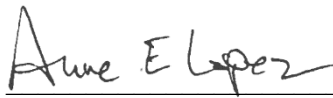
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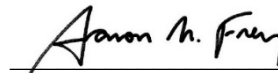
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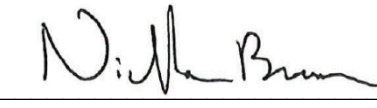
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