

Trump doubles down after federal judge puts executive order targeting major law firm on hold

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On March 12, Washington D.C. federal judge Beryl Howell temporarily blocked Donald Trump's March 6 executive order targeting Perkins Coie LLP, the 35th largest US law firm, with sanctions that threaten its existence. "The potential adverse impact cannot be overstated," Howell said from the bench, adding that the executive order "casts a chilling harm of blizzard proportion across the entire legal profession."

"Our justice system is based on the fundamental belief that justice works best when all parties have zealous advocates," Howell explained. "That fundamental promise extends to all parties, even those with unpopular ideas or beliefs or causes disliked by President Trump."

Howell concluded, "I am sure that many in the profession are watching in horror at what Perkins Coie is going through." She described "little chills down my spine" before signing the temporary order blocking the executive order from continuing in effect.

Less than 48 hours after Judge Howell's rebuke, Trump issued a similar executive order targeting Paul, Weiss, Rifkind, Wharton & Garrison LLP, the nation's 44th largest law firm. Hinting that more orders are coming, Trump said, "Global law firms have for years played an outsized role in undermining the judicial process and in the destruction of bedrock American principles," through "activities that make our communities less safe, increase burdens on local businesses, limit constitutional freedoms, and degrade the quality of American elections."

Both mega-firms cater to the ruling class and align with elements from both bourgeois parties. Nevertheless, the executive orders jeopardize the fundamental right of people to lawyers who will represent them without fear of government retaliation. Trump's demands for obeisance call to mind the National Socialist League of German Jurists, which compelled lawyers to swear an oath of loyalty to Hitler or lose their ability to practice law.

Perkins Coie incurred Trump's wrath by representing

Hillary Clinton during her 2016 presidential campaign, which involved the controversial "Steele dossier" on purported connections between Trump and Russian intelligence. The firm also represented litigants who successfully opposed Trump in multiple lawsuits filed to overturn his defeat in the 2020 election, and aligned with the Democratic National Committee to litigate ballot access and voter suppression in the elections of 2016, 2020 and 2024.

In addition to the election matters, in which Perkins Coie was backed by "activist donors including George Soros," the executive order cites "lawsuits against the Trump Administration, including one designed to reduce military readiness," a reference to Perkins Coie's representation of current US service members challenging the Trump executive order banning transgender personnel.

These cases are only a sliver of Perkins Coie's big-business-oriented practice. Originating in Seattle over 110 years ago, Perkins Coie maintains 21 offices staffed by 1,200 lawyers in the US, Europe and Asia. Its annual revenues exceed \$1.2 billion, generating a profit of \$1.6 million per equity partner.

Paul Weiss is slightly smaller but significantly more lucrative. Established in New York City 150 years ago, its 1,009 lawyers operate 10 offices, five outside the United States, generating revenues of \$2.5 billion last year, with a profit of \$7.5 million per equity partner.

In his executive order Friday, Trump cited "a Paul Weiss partner" who sued "individuals alleged to have participated in the events that occurred at or near the United States Capitol on January 6, 2021," as well as the "unethical attorney Mark Pomerantz, who had previously left Paul Weiss to join the Manhattan District Attorney's office solely to manufacture a prosecution against me."

After District Attorney Alvin Bragg declined to file criminal charges, Pomerantz authored *People vs. Donald Trump: an Inside Account*, in which he likened Trump to Mafia boss John Gotti.

Both firms are heavily involved in the lucrative technology sector. They cater to corporations and wealthy individuals who interact constantly with federal agencies such as the Patent Office, the Department of Defense, the Securities and Exchange Commission, Health and Human Services, the Labor Department, the Consumer Protection Bureau and the Environmental Protection Agency.

Trump's first executive order smeared all 1,200 Perkins Coie attorneys as "dishonest" and "dangerous," although Trump nominated two to federal judgeships during his first term as president. It directed federal officials to "refrain from hiring employees of Perkins Coie" absent a waiver certifying that "such hire will not threaten the national security of the United States."

It bars all 2,500 employees from access to federal buildings and prohibits federal agencies from engaging with the firm's lawyers. For example, one federal prosecutor refused to meet with a Perkins Coie attorney who was representing a defendant in a white-collar criminal case.

Most damaging, both executive orders direct federal agencies to "take appropriate steps to terminate any contract, to the maximum extent permitted by applicable law." Emphasizing that clients will suffer consequences unless they move out of the crossfire to law firms of which he approves, Trump's accompanying "Fact Sheets" state: "To ensure taxpayer dollars no longer go to contractors whose earnings subsidize partisan lawsuits against the United States, the Federal Government will prohibit funding contractors that use" either Perkins Coie or Paul Weiss.

This is an express attack on the sanctity of the attorney-client relationship that underlies the entire edifice of bourgeois law.

Trump's retaliatory orders implement his threat posted last September on Truth Social that "WHEN I WIN, those people that CHEATED will be prosecuted to the fullest extent of the Law. Please beware that this legal exposure extends to Lawyers."

"Like the compilation and publication of enemies lists in the McCarthy era," Perkins Coie's lawyers argued in their court papers filed before the March 12 hearing, "the Executive Order smacks of a most evil type of censorship and cannot be reconciled with the First Amendment," which guarantees freedom of speech and political association.

The Perkins Coie attorneys further argued that "had Congress enacted legislation mirroring Trump's Executive Order," that would have constituted a bill of attainder similar to those used by the British Parliament in the years preceding the American Revolution to label critics of the British government as disloyal and impose punishments, including the confiscation of property, based on status alone and without due process.

Article 1 of the US Constitution explicitly prohibits bills of attainder because only the judicial branch should determine guilt. "The Constitution likewise bars the President from punishing his political opponents' law firms with a sweep of the pen," the Perkins Coie attorneys wrote.

Moreover, "the order is not only an assault on the firm and its clients, it is a reckless assault on the criminal justice system and the rule of law," the Perkins Coie attorneys continued, citing *Gideon v. Wainwright*, the landmark 1963 Supreme Court case that enforces the right to counsel enumerated in the Constitution's Sixth Amendment.

Trump was represented at Wednesday's court hearing by Chad Mizelle, Attorney General Pam Bondi's chief of staff, one of the highest ranking lawyers in the Department of Justice. Mizelle swept aside the First Amendment, separation of powers, due process and right-to-counsel issues, arguing that Perkins Coie cannot be trusted with the nation's secrets and that Trump has the unrestrained power as the chief executive to block access to government contracts as he sees fit.

Judge Howell has set an expedited schedule requiring briefs to be filed in April with a more permanent ruling to follow. Paul Weiss has not yet responded to the second order.

In a related action, Trump revoked security clearances for lawyers with the firm Covington & Burling who provided representation to Jack Smith, the special counsel who brought two federal indictments against Trump.

Neither the Democratic National Committee nor any prominent Democrat has come to Perkins Coie's or Paul Weiss's defense and denounced Trump's fascistic attack on the legal system.



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