

Second major law firm capitulates to Trump while two others block him in court

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Last week President Donald Trump posted on the White House website new “executive orders” that target two more major law firms with disabling sanctions, including the termination of all federal contracts with the firms’ clients. Trump then announced on social media that he and a third firm reached an agreement regarding volunteer services in exchange for not being the subject of a similar executive order.

The executive orders directed against Wilmer Cutler Pickering Hale and Dorr LLP (known as WilmerHale) and Jenner & Block LLP identify by name the firms’ attorneys who worked on Special Counsel Robert Mueller’s investigation into the Trump campaign’s contacts with Russian agents during his 2016 presidential campaign.

Late Friday afternoon, two separate federal judges for the District of Columbia issued temporary restraining orders (TROs) preventing the executive orders from continuing in effect. A third judge had issued a similar TRO at the urging of Perkins Coie LLP earlier in March, making Trump 0 for 3 in court challenges to his executive orders targeting law firms.

Of course, none of the TROs has been tested yet in the Court of Appeals, or in the Supreme Court, which is stacked with pro-Trump fascists.

In contrast to these three major law firms, Skadden, Arps, Slate, Meagher & Flom LLP, the fifth largest in the world based on its \$3.3 billion in annual revenues, surrendered to Trump without a fight. Trump did not reveal his reasons for threatening the firm with an executive order, but on March 23, Elon Musk posted on social media: “Skadden, this needs to stop now.” Musk was referring to an accusation by the fascist election denier and proven liar Dinesh D’Souza that the firm’s lawyers are waging “systematic lawfare” in pro bono

litigation against his discredited pseudo-documentary *2000 Mules*, which claimed to provide evidence that Trump’s 2020 electoral defeat was due to ballot-box fraud.

According to Trump’s post on Truth Social Friday morning, Skadden, Arps “will provide a total of at least \$100 Million Dollars in pro bono Legal Services, during the Trump Administration and beyond, to causes that the President and Skadden both support.”

In other words, Trump is being given a seat at the Skadden Arps table and will now be able to direct or veto volunteer legal representation by any of the firm’s 1,700 attorneys, who are frequently solicited by smaller practices to support impact litigation on behalf of relatively powerless segments of the population or the environment. No doubt litigation intended to protect voting rights and to defend election results will be first up on the chopping block.

“This was essentially a settlement,” Trump gloated during a Friday morning swearing-in ceremony for one of his less-than-stellar criminal defense attorneys, Alina Habba, as the interim US Attorney for New Jersey. “We appreciate Skadden’s coming to the table, as you know other law firms have likewise settled the case,” a jumbled reference to the previous capitulation by one other major law firm, Paul Weiss, which never filed a “case.”

“They’re all bending and saying, ‘Sir, thank you very much. Where do I sign? Where do I sign?’” Trump added. One might ask in what direction are these unnamed firms bending, and for exactly what are they so grateful?

The capitulations of Paul Weiss and Skadden Arps have triggered outrage throughout the legal community, exemplified by an open letter signed Saturday by over 90 Harvard Law School professors that condemns

“government officials” targeting “lawyers and law firms for retribution based on their lawful and ethical representation of clients disfavored by the government, undermining the Sixth Amendment” right to counsel.

The open letter also condemns threatening “law firms and legal clinics for their lawyers’ pro bono work or prior government service,” relaxing those threats “based on public acts of submission and outlays of funds for favored causes,” and punishing “people for lawfully speaking out on matters of public concern.”

At the Friday afternoon hearing, Judge John D. Bates, a George W. Bush nominee assigned the Jenner & Block case, called the executive order “disturbing” and “troubling.” His TRO prohibits Trump administration officials “from using the statements laid out in ... the Executive Order in any interactions with Plaintiff or Plaintiff’s clients,” and directs them “to suspend and rescind all guidance or other direction provided to their officers, staff, employees, or contractors to communicate, effectuate, implement, or enforce ... the Executive Order.”

Judge Richard Leon, a Clinton nominee assigned the WilmerHale case, wrote that “the First Amendment prohibits government officials from subjecting individuals to retaliatory actions after the fact for having engaged in protected speech” and “the retaliatory nature of the Executive Order at issue here is clear from its face.”

Leon elaborated that “at least 21 of the firm’s 25 largest clients in 2024 have contracts with federal agencies,” and “accounted for more than 30% of the Firm’s revenue in 2024, nearly \$500 million.” WilmerHale is “currently handling over 100 open government contracting matters involving various federal agencies,” and “losing these clients ... would be a devastating blow” threatening the firm’s “very existence,” according to Leon.

The managing partner of Skadden Arps, Jeremy London, wrote in an internal email that the firm was selling out its pro bono clients in exchange for remaining profitable. “Not everyone will agree with the decision we made today,” he wrote. “But I firmly believe that an agreement centered around our pro bono work and complying with the law was an acceptable outcome to ensure Skadden will continue to thrive long into the future.”

Paul Weiss’ managing partner Brad Karp sent a

similar internal email. After calling the executive order “an unprecedented threat to our firm unlike anything since Samuel Weiss first hung out a shingle in downtown Manhattan on April 1, 1875,” that “could easily have destroyed our firm,” by bringing “the full weight of the government down on our firm, our people, and our clients,” he wrote:

We were hopeful that the legal industry would rally to our side, even though it had not done so in response to executive orders targeting other firms. We had tried to persuade other firms to come out in public support ... And we waited for firms to support us in the wake of the President’s executive order targeting Paul Weiss. Disappointingly, far from support, we learned that certain other firms were seeking to exploit our vulnerabilities by aggressively soliciting our clients and recruiting our attorneys.

Karp then got to the nub of the matter. “We concluded that even a victory in litigation would not be sufficient to do so, because our firm would still be perceived as *persona non grata* with the Administration.”



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