

Seven more major law firms capitulate to Trump's extortion

John Burton
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President Donald Trump has extorted pledges totaling around a billion dollars in "pro bono" legal services from seven more major US law firms by threatening to kneecap them with punitive executive orders that would bar their attorneys from federal buildings and terminate government contracts with their clients. The total number of toady law firms is now nine of the top 100 by revenue.

Meanwhile, the four major law firms that have stood up to Trump obtained temporary restraining orders (TRO) from different federal judges in the District of Columbia, two of whom were nominated by Republican George W. Bush, one by Obama and one by Biden.

Last month, Paul Weiss, which ranks number 27 by revenue, worked out a deal for \$40 million in pro bono hours after being named in an executive order. That deal was followed by Skadden, Arps, the sixth largest, which promised \$100 million in billable hours in exchange for Trump's not naming the law firm in an executive order.

Trump has claimed similar deals with Kirkland & Ellis and Latham & Watkins, the two largest US law firms, A&O Shearman (12), Simpson, Thacher & Bartlett (20), Milbank (24), Wilkie, Farr & Gallagher (46), and Cadwalader Wickersham & Taft (96).

According to Trump press secretary Karoline Leavitt, "Big Law continues to bend the knee to President Trump because they know they were wrong, and he looks forward to putting their pro bono legal concessions toward implementing his America First agenda."

The *New York Times* reported Wednesday that Trump viewed the approximately one billion dollars in promised services "as a legal war chest to be used as he wishes."

"Have you noticed that lots of law firms have been signing up with Trump: \$100 million, another \$100 million for damages that they've done," Trump told a gathering of union bureaucrats representing the United Mine Workers last week, insinuating that he would direct "his" law firms to oppose decades of environmental protection and to fight the transition to renewable energy sources.

No written agreement between any law firm and the Trump administration has been released, and various statements about their scope have conflicted. Nevertheless, these law firms' public prostration to a crude and stupid aspiring dictator is triggering widespread revulsion within the legal profession.

Berkeley Law Dean Erwin Chemerinsky's reaction is typical. "We should be ashamed that so many law firms have capitulated to extortion rather than fighting back and challenging the illegal policies of the Trump administration," he wrote in his column for legal newspapers.

The roughly 1.3 million practicing US attorneys constitute a significant layer of the petty-bourgeois intelligentsia. While tied by thousands of strands to capitalism and the ruling class, many lawyers represent workers in civil and criminal cases and identify to some extent with their interests. Moreover, the study of law itself requires an appreciation of the historical development of social relationships, and tends to imbue some members of the legal profession with an understanding of the importance of democratic rights.

Large firms traditionally donate substantial pro-bono hours to defend against government oppression. Citing an important recent example, Quinn Emanuel Urquhart & Sullivan, LLP, the thirty-first largest US law firm by revenue, is representing Kilmar Armando Obrego Garcia in opposition to the government's fascistic

attempt to block his return from the CECOT prison in El Salvador. Ironically, last month partners from that same firm were instrumental in brokering the Paul Weiss sellout deal with Trump. It remains to be seen whether Trump will now try to retaliate against Quinn Emanuel.

There are scattered social media reports of attorneys leaving “Trump’s firms” in disgust, although most are lower level associates and their numbers so far appear to be relatively small. Willkie Farr’s longest-serving lawyer, Joseph T. Baio, however, resigned in protest, although one of its newest partners, Kamala Harris’s spouse Doug Emhoff, is choosing to remain.

The cowardice of the nine surrendering law firms contrasts with the four firms that so far have stood up to Trump’s bullying. Tuesday afternoon judge Loren L. AliKhan issued the fourth TRO against an anti-law firm executive order—this one targeting Susman Godfrey LLP, which obtained the record \$787,500,000 settlement from Fox News for defaming Dominion Voting Systems in connection with Trump’s baseless attempt to dispute the 2020 Biden electoral victory.

AliKhan called the executive order “a shocking abuse of power.”

“Law firms across the country are entering into agreements with the government out of fear that they will be targeted next and that is coercion, plain and simple,” AliKhan said from the bench, adding, “The government has sought to use its immense power to dictate the positions that law firms may and may not take,” controlling “who law firms are allowed to represent. This immensely oppressive power threatens the very foundations of legal representation in our country.”

The three other law firms standing up to Trump, Perkins Coie, WilmerHale and Jenner & Block, have motions for permanent injunctions pending. Twenty-four supporting amicus curiae “friend of the court” briefs, an extraordinary number, have been filed in support of the law firms.

The briefs were filed on behalf of over 1,000 other law firms (although none of the twenty largest would participate), 363 law professors, 376 retired judges (active judges cannot participate), 23 prominent non-profits, 61 media organizations, criminal defense associations, various bar associations and officials, the NAACP Legal Defense and Educational Fund, the

American Civil Liberties Union, and the Fred T. Korematsu Center For Law and Equality.

One supporting brief was filed on behalf of dozens of corporate attorneys who oppose Trump’s interference with their ability to retain law firms to represent their respective capitalist business enterprises.

These briefs make four key points. First, the Constitution does not authorize the president to punish law firms without due process, the judicial branch having responsibility for policing the legal profession. Second, sanctioning law firms for representation interferes with their clients’ own right to counsel, which is fundamental to the US legal system as enshrined in the Sixth Amendment. Third, retaliating against law firms for their representation of clients, particularly in politically significant matters, violates the First Amendment rights of both the attorneys and the clients.

The amicus brief filed on behalf of six professors of legal ethics makes the additional point that law firms which “offer millions of dollars’ worth of pro bono legal services to support the White House’s favored causes” in response to Trump’s extortion demands are themselves committing the crime of bribery, “the promise of something of value to a public official with intent to influence an official act.”

Only one amicus brief was filed in support of Trump’s position.

The implementation of a dictatorship requires the gutting of the legal system, which is why judges as well as lawyers have become targets of the fascists. To defend its own interests, the working class must mobilize in defense of democratic rights and not allow White House thugs to run roughshod over the legal profession or the courts.

Moreover, Trump alone is not the problem. He represents a malignant, growing oligarchy that can no longer tolerate lawyers who will muster their energy, intellect and resources in opposition to its demands for war abroad and repression at home.



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