

ORAL ARGUMENT SCHEDULED MAY 14, 2026
Nos. 25-5241, 25-5265, 25-5277, 25-5310 (Consolidated)

**United States Court of Appeals
for the District of Columbia Circuit**

PERKINS COIE LLP,
Plaintiff-Appellee,

v.

U.S. DEPARTMENT OF JUSTICE, ET AL.,
Defendants-Appellants.

On Appeal from the United States District Court for the District of Columbia

Nos. 1:25-cv-00716 (BAH), 1:25-cv-00916 (JDB),
1:25-cv-00917 (RJL), 1:25-cv-01107 (LLA)

**BRIEF OF *AMICI CURIAE* LAW FIRMS IN SUPPORT OF
PLAINTIFFS-APPELLEES AND AFFIRMANCE**

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Circuit Rule 28(a)(1), the undersigned certifies as follows:

A. Parties and Amici

Except for newly filing amici parties in this Court, all parties, intervenors, and amici appearing before the district court and in this Court are listed in the Briefs for Defendants-Appellants and Plaintiffs-Appellees.

B. Rulings Under Review

References to the rulings at issue appear in the Briefs for Defendants-Appellants and Plaintiffs-Appellees.

C. Related Cases

The related case is listed in the Briefs for Defendants-Appellants and Plaintiffs-Appellees. Counsel is not aware of any other related cases.

Dated: April 3, 2026

/s/ Nathan P. Eimer

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rules 26.1 and 29(b), *amici curiae* state that they are comprised of law firms and legal corporations. They have no parent corporations and do not issue public stock.

Dated: April 3, 2026

/s/ Nathan P. Eimer

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CERTIFICATE REGARDING SEPARATE BRIEFING

Pursuant to D.C. Circuit Rule 29(d), counsel for *amici* certifies that a separate brief is necessary to express the views of advocates tasked with representing the Nation's leading business and financial institutions, which depend on the stability of the rule of law to thrive economically, and the interests of small businesses, nonprofit organizations, state and local governments, public-sector entities, consumers, workers, and other individuals, who likewise depend on the impartial administration of justice. *Amici* are particularly well suited to provide this Court important context on these subjects because of their experience, range of clients, and deep and abiding commitment to the rule of law.

Dated: April 3, 2026

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INTEREST OF *AMICI CURIAE*

*Amici*¹ are 842 of this Nation’s law firms.² They file this brief to highlight the extraordinary and unprecedented threat posed to the legal profession by the four Executive Orders at issue in this litigation.³

Many *amici* advocate for the interests of the Nation’s leading business and financial institutions, which depend on the stability of the rule of law to thrive economically. Others advocate for the interests of small businesses, nonprofit organizations, state and local governments, public-sector entities, consumers, workers, and other individuals, and likewise depend on the impartial administration of justice to advance their clients’ objectives. Individuals at these firms hold a wide range of political, social, and economic views. But despite those differences, *amici* are united in their support for the rule of law and the importance of preserving the independence and integrity of the legal profession. Professional independence is particularly important when a law firm represents a client challenging the actions of

¹ Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), *amici* state that no party’s counsel authored this brief in whole or in part, and no party, party’s counsel, or any person other than *amici* or their counsel contributed money intended to fund the preparation or submission of this brief. *Amici* also state that all parties to the appeal have consented to the filing of this brief.

² The individual *amici* are named in Appendix A.

³ Exec. Order No. 14,230, 90 Fed. Reg. 11,781 (Mar. 6, 2025) (“Perkins Coie Order”); Exec. Order No. 14,246, 90 Fed. Reg. 13,997 (Mar. 25, 2025) (“Jenner & Block Order”); Exec. Order No. 14,250, 90 Fed. Reg. 14,549 (Mar. 27, 2025) (“WilmerHale Order”); Exec. Order No. 14,263, 90 Fed. Reg. 15,615 (Apr. 9, 2025) (“Susman Godfrey Order”).

a President or his administration, be they Republican or Democrat. Checking federal government overreach, whether it be infringements on religious liberty, assaults on the freedom of the press, or burdensome regulation, is a vital part of what *amici* and others like them are called to do. *Amici* have an interest in explaining to the Court the impact on the ability of law firms to fulfill this role if the Executive Orders are allowed to stand. Many of the *amici* have sworn an oath to support and defend the Constitution of the United States, and all *amici* share an unwavering commitment to its principles. Pursuant to those values, *amici* submit this brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

The President issued Executive Orders against four of the Nation’s leading law firms—Perkins Coie LLP (“Perkins Coie”), Jenner & Block LLP (“Jenner & Block”), Wilmer Cutler Pickering Hale & Dorr LLP (“WilmerHale”), and Susman Godfrey LLP (“Susman Godfrey”)—in undisguised retaliation for representations that the firms, or former partners of the firms, have undertaken or may be planning to undertake. Make no mistake, these Executive Orders seek to intimidate every firm, large and small, into submission. The Executive Orders subject the four targeted firms, as well as their clients and personnel, to draconian collective punishment—including the potential loss of clients that contract with the United States, denial of access to federal buildings and facilities, and the revocation of their attorneys’ security clearances.

Such disabilities caused swift harm. Federal officials canceled meetings; attorneys were unsure whether they could access courthouses; and in cases involving classified information, lawyers were to be stripped of the clearances necessary to review essential evidence, making meaningful representation impossible. Clients also terminated engagements with the law firms or were forced to reconsider continued representation, particularly where association might endanger important government contracts. Worse yet, since these Executive Orders were issued, fewer

of the country's largest law firms have been willing to challenge government action, and both civil-rights groups and indigent clients have had difficulty finding counsel.

In the Opening Brief, the government faults the district courts below for purportedly trying to silence the President. But this deliberately mischaracterizes what the courts did in this case. The district courts did not enjoin the President from speaking. Instead, they justifiably relied on the President's own words as evidence of the Executive Order's unlawful purpose: to retaliate against past legal advocacy and representations the President found distasteful and intimidate these and other law firms into silence. The President is free to speak his mind, and he usually does. What he cannot do is use the power of the Executive Branch to infringe on the rights of others and interfere with the rule of law.

Over the past two decades alone, the country's largest law firms have represented clients seeking to invalidate major presidential initiatives of every presidential administration, from the Military Commissions Act of 2006⁴ to the Affordable Care Act⁵ and the Dodd-Frank Act.⁶ Until now, it would have been inconceivable that a law firm would be risking sanctions from the Executive Branch

⁴ *Boumediene v. Bush*, 553 U.S. 723 (2008).

⁵ *NFIB v. Sebelius*, 567 U.S. 519 (2012).

⁶ *Seila Law LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197 (2020); *Consumer Fin. Prot. Bureau v. Cmty. Fin. Servs. Ass'n of Am., Ltd.*, 601 U.S. 416 (2024).

for undertaking representations of this kind. The Executive Orders made clear that is no longer the case.

The Executive Orders pose a grave threat to our system of constitutional governance. An attack on the legal profession is tantamount to an attack on the rule of law and, by extension, democracy itself. The First Amendment categorically prohibits using the threat of official retribution to deter lawyers from expressing their views or representing whom they choose—such advocacy is vital to the judicial system and the rule of law. Indeed, the unlawfulness of the Executive Orders is so evident that even the attorneys at the Justice Department recognized that this appeal lacks merit, which is why the government voluntarily sought to dismiss the case. Upon learning that the appeal had been dropped, however, the President forced the Justice Department to continue to pursue a meritless appeal rather than concede that the Executive Orders were unconstitutional and forfeit his leverage over law firms.⁷ Clearly, the true purpose of the Executive Orders and this appeal is not to vindicate legitimate concerns about national security but rather to continue to scare the legal profession away from representations and lawyers disfavored by the President.

⁷ Josh Dawsey, C. Ryan Barber & Sadie Gurman, *Trump Ordered Justice Department Reversal on Law Firm Sanctions*, Wall St. J. (Mar. 11, 2026), <https://www.wsj.com/politics/policy/trump-ordered-justice-department-reversal-on-law-firm-sanctions-fl37f164>.

The judiciary must act with resolve to halt this abuse of executive power. *Cf. United States v. Nixon*, 418 U.S. 683 (1974). To safeguard the independence of the legal profession, this Court should affirm the judgments of the district courts.

ARGUMENT

Lawyers serve an indispensable role in safeguarding the principle that “the government of the United States” is emphatically “a government of laws, and not of men.” *Marbury v. Madison*, 5 U.S. 137, 163 (1803) (citation modified). Lawyers “prepare and submit the great issues of human justice under law in such manner and form that courts, in the ultimate, may be effective.” *Williams v. Beto*, 354 F.2d 698, 706 (5th Cir. 1965). The adversarial system depends upon advocates litigating each side of a case with equal vigor; that is how impartial judges arrive at just, informed decisions that vindicate the rule of law. *See Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 545 (2001) (“An informed, independent judiciary presumes an informed, independent bar.”). Indeed, the right to counsel is enshrined in the Bill of Rights and “stands as a constant admonition that if the constitutional safeguards it provides [are] lost, justice will not . . . be done.” *Johnson v. Zerbst*, 304 U.S. 458, 462 (1938) (citation modified); *see also Gideon v. Wainwright*, 372 U.S. 335, 342–43 (1963) (“The right to the aid of counsel is of . . . fundamental character.” (citation modified)).

It is a deeply rooted principle of the legal profession that everyone, no matter their actions or beliefs, is entitled to zealous advocacy on their behalf. *See Martinez v. Ryan*, 566 U.S. 1, 12 (2012) (“[T]he right to counsel is the foundation for our adversary system.”). The principle is so deeply ingrained that lawyers consider it a core part of their professional obligation to take on representation of clients with whom they disagree, even vehemently. John Adams agreed to represent eight British soldiers charged with murder after the Boston Massacre, along with their captain, at “the loss of more than half his practice.” David McCullough, *John Adams* 66–68 (2001); *see* JA1628–29, Perkins Coie Op. at 1–2. “I had no hesitation,” he wrote, because “Council ought to be the very last thing that an accused Person should want in a free Country,” and “the Bar ought . . . to be independent and impartial at all Times And in every Circumstance.” 3 *Diary and Autobiography of John Adams* 293 (L.H. Butterfield et al. eds., 1961); *see* JA1629, Perkins Coie Op. at 2. David Goldberger, the Jewish then-legal director of the ACLU of Illinois, represented neo-Nazis who sought to march in Skokie, Illinois, in the face of “massive ACLU membership resignations” and “physical intimidation of ACLU staffers.” David Goldberger, *Skokie: The First Amendment Under Attack by its Friends*, 29 *Mercer L. Rev.* 761, 767 (1978). Responding to critics, Goldberger quoted the American Bar Association’s Canons of Ethics, which advises that “a lawyer should not decline representation because a client or a cause is unpopular or a community reaction is

adverse.” *Id.* at 768 (quoting ABA Canons of Professional Ethics, *Ethical Considerations*, 2-27 (1970)). Anthony Griffin, a Black lawyer, defended the grand dragon of the Texas Knights of the Ku Klux Klan because every organization “ha[s] a right to organize, to assemble, to free speech,” and “if you take away their rights, you take away my rights also.” Sam Howe Verhovek, *A Klansman’s Black Lawyer, and a Principle*, N.Y. Times (Sept. 10, 1993).⁸

Literature and history offer indelible reminders of the perils associated with governmental intrusion into the autonomy of the legal system and with political retribution aimed at lawyers thought to stand in the way of a regime’s political objectives. In Shakespeare’s *Henry VI*, a rebel, who wanted to become king, famously agreed to the proposal that “[t]he first thing we do, let’s kill all the lawyers.” William Shakespeare, *Henry VI, Part 2* act 4, sc. 2, l. 75. His plotting underscores a simple point, recognized by Justice John Paul Stevens, that “disposing of lawyers is a step in the direction of a totalitarian form of government.” *Walters v. Nat’l Ass’n of Radiation Survivors*, 473 U.S. 305, 371 n.24 (1985) (Stevens, J., dissenting). In Arthur Miller’s *The Crucible*, Thomas Danforth, Chief Judge of the Court, opined that “[t]he pure in heart need no lawyers.” Arthur Miller, *The Crucible* act 3. But Reverend John Hale, disillusioned by the lack of due process during the

⁸ <https://www.nytimes.com/1993/09/10/news/a-klansman-s-black-lawyer-and-a-principle.html>.

Salem Witch Trials, urged that a man suspected of witchcraft be sent home “and let him come again with a lawyer,” as the legal profession is essential in upholding the rule of law and safeguarding the rights of the accused. *Id.*

Time and time again, authoritarian governments have disbarred, prosecuted, and jailed lawyers who dared to represent opposition figures or challenge government actions, leading to predictable outcomes for the rule of law and the integrity of the legal profession. *See, e.g.,* Louise I. Shelley, *Soviet Defense Counsel: Past as Prologue*, 12 Am. B. Found. Res. J. 835, 836–37 (1987). Recently, for example, when the Taliban retook power in Afghanistan, they retaliated against lawyers who had worked in the defense of human rights and restricted court access only to Taliban-approved attorneys. *Day of the Endangered Lawyer*, Int’l Ass’n of Young Lawyers (Jan. 24, 2023).⁹

Fortunately, such abuses have been rare in our country’s history—and for good reason. The First Amendment “protects vigorous advocacy . . . against governmental intrusion” and treats such advocacy as a core “form of political expression.” *NAACP v. Button*, 371 U.S. 415, 429 (1963); *see also Velazquez*, 531 U.S. at 542–43. Government officials cannot “rely[] on the threat of invoking legal sanctions and other means of coercion . . . to achieve the suppression of disfavored speech.” *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 189 (2024) (citation

⁹ <https://www.ajia.org/news/news-319>.

modified). Doing so is textbook viewpoint discrimination, “an egregious form of content discrimination,” and is presumptively unconstitutional. *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).

And yet, the Executive Orders do exactly what the First Amendment forbids: threaten “legal sanctions and other means of coercion” based on past advocacy and expressed viewpoints. *Vullo*, 602 U.S. at 189 (citation modified). The Executive Orders state, in plain terms, the “vigorous advocacy” singled out for disfavor: Perkins Coie allegedly engaged in “dishonest and dangerous activity” by representing “failed Presidential candidate Hillary Clinton” and representing clients in other past election-law litigation. Perkins Coie Order § 1. Jenner & Block allegedly supported “attacks against women and children based on a refusal to accept the biological reality of sex” and allegedly backed “the obstruction of efforts to prevent illegal aliens from committing horrific crimes and trafficking deadly drugs within our borders.” Jenner & Block Order § 1. WilmerHale allegedly “rewarded Robert Mueller and his colleagues . . . by welcoming them to the firm after they wielded the power of the Federal Government to lead one of the most partisan investigations in American history.” WilmerHale Order § 1. Susman Godfrey allegedly “spearhead[ed] efforts to weaponize the American legal system and degrade the quality of American elections.” Susman Godfrey Order § 1. For engaging in this protected advocacy, the Executive Orders mete out harsh and

debilitating punishment: the revocation of the firms' attorneys' security clearances, the potential loss of clients that contract with the United States, and denial of access to federal buildings and facilities.

Before the district courts enjoined the Executive Orders, the harm was immediate. Officials canceled scheduled meetings on pending matters, and attorneys were unsure if they could even enter courthouses or meet with clients in federal custody.¹⁰ The revocation of attorney security clearances was crippling for those representing criminal defendants in cases involving classified information, as lawyers could no longer access necessary evidence. These legal sanctions prevented counsel from fulfilling their professional duty as advocates—a role the Supreme Court has deemed “the most pervasive” of all rights because it “affects [the] ability to assert any other rights.” *Penson v. Ohio*, 488 U.S. 75, 84 (1988) (citation modified). As a result, several clients terminated their engagements with the four law firms, while others were forced to evaluate whether continued retention remained prudent. For clients who contract with the government, association with

¹⁰ See, e.g., JA1649, Perkins Coie Op. at 22 (“[A] federal official refused to allow Perkins Coie attorneys to attend a scheduled meeting to discuss a pending matter before that agency.”); JA2162, Jenner & Block Op. at 6 (“Department of Justice lawyers instructed a Jenner client not to bring its counsel from Jenner to a meeting”).

the targeted firms posed an enormous risk, threatening billions of dollars in revenue should they incur the President's ire.¹¹

The threat posed by the Executive Orders is not lost on anyone practicing law in this country today: any controversial representation challenging actions of the current administration—or even supporting causes it disfavors—now brings with it the risk of devastating retaliation. Unfortunately, the tactic seems to be working all too well. Law firms have shied away from legal representation that could incur the wrath of the executive. *See* Matthew Goldstein & Jessica Silver-Greenberg, *Some Giant Law Firms Shy Away From Pro Bono Immigration Cases*, N.Y. Times (May 6, 2025).¹² “The top 50 U.S. law firms by revenue have represented plaintiffs in only about 3% of the 865 lawsuits filed since the start of Trump’s second term under the Administrative Procedure Act,” whereas “[d]uring Trump’s first term, those same firms were involved in almost 9% of 3,400 such cases.” Mike Spector, et al., *How Trump’s crackdown on law firms is undermining legal defenses for the vulnerable*, Reuters (Aug. 3, 2025).¹³ Already, civil-rights groups report widespread hesitation amongst law firms to engage with them, with many lawyers resorting to anonymous

¹¹ *See, e.g.*, JA2162, Jenner & Block Op. at 6 (“More than forty percent of Jenner’s revenue comes from government contractors, subcontractors, or affiliates . . .; the order puts that revenue at grave risk.”).

¹² <https://www.nytimes.com/2025/05/06/business/trump-law-firms-pro-bono-immigration.html>.

¹³ <https://www.reuters.com/investigations/trumps-war-big-law-leads-firms-retreat-pro-bono-work-underdogs-2025-07-31/>.

assistance or simply refusing to help altogether. *See id.* For its part, the government touts strong-arming nine law firms into contributing nearly \$1 billion in pro bono services to a variety of causes favored by the administration. *See* Brief for Appellants at 2; *see also* Mike Scarcella & Sara Merken, *Trump executive order seeks law firms to defend police officers for free*, Reuters (Apr. 29, 2025).¹⁴ But eroding the rule of law is nothing to celebrate. Whatever short-term advantage an administration may gain from exercising power in this way, an impartial and co-equal judicial system cannot long endure in the climate of fear that such actions create.

For our system of justice to operate, members of the bar must be free to advocate zealously for all their clients, large and small, rich and poor, without fear of retribution. They must be free, in the words of Chief Justice Marshall, to defend “the right of every individual to claim the protection of the laws.” *Marbury*, 5 U.S. at 163. These principles have made it possible for this Nation’s corporations to lead the world in innovation and productivity; for our scientists, scholars, and creative artists to contribute so much to human progress; and for all of us to know that we can turn to the courts to vindicate our fundamental civil rights. Unless the judiciary acts decisively, though, what was once beyond the pale will become a stark reality. Organizations and individuals alike will risk losing their right to be represented by

¹⁴ <https://www.reuters.com/legal/government/trump-executive-order-seeks-law-firms-defend-police-officers-free-2025-04-29/>.

the law firms of their choice, and a profound, lasting chill will be cast over cherished constitutional rights.

CONCLUSION

For these reasons, this Court should affirm the District Court's rulings in favor of Plaintiffs-Appellees.

Dated: April 3, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 29(a)(5) and 32(a)(7) because the brief contains 3,022 words, excluding the parts of the brief exempt by Federal Rule of Appellate Procedure 32(f) and Circuit Rule 32(e)(1). This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 in 14-point Times New Roman font.

Dated: April 3, 2026

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the Court's CM/ECF system on April 3, 2026.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: April 3, 2026

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APPENDIX A

***Amici Curiae* Law Firms**

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Aisha N. Smith Regulatory Law, PLLC
Ajamie LLP
Aldous Law
Ali & Lockwood LLP
ALR Civil Rights LLC
Altair Law LLP
Alto Litigation, PC
Altshuler Berzon LLP
Amis, Patel & Brewer, LLP
Anapol Weiss
Anderson & Kreiger LLP
Andolina Law
Andrus Wagstaff PC
ARCH Legal, P.C.
Arete Law Group PLLC
Arguedas, Cassman, Headley & Goldman LLP
Armond Wilson LLP
Arnold & Porter Kaye Scholer LLP
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Aviso Legal Group LLP
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Beale, Micheaels, Slack & Shughart, P.C.
Bedell, Dittmar, DeVault, Pillans & Coxe, P.A.
Beeman & Muchmore, LLP
Beldock Levine & Hoffman LLP
Benach Pitney Reilly LLP
Benedict Law Group PLLC
Bennett & Samios LLP
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Bondurant, Mixson & Elmore LLP

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Brady Reilly & Cardoso, LLC
Bragança Law LLC
Brann & Isaacson
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