

News

NYT Essay: Our Law Firm Won't Cave to Trump. Who Will Join Us?

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President Trump this month [issued an executive order](#) clearly intended to destroy the venerable law firm Perkins Coie, a firm that has zealously represented clients large and small for more than a century.

The order left no doubt that Perkins Coie's primary offense was representing Hillary Clinton in 2016 and standing up for other causes Mr. Trump views unfavorably. It could not have been more blatantly unconstitutional than if a legal scholar had been asked to draft a template for an unlawful executive order: It violates the First Amendment, contravenes fundamental due process rights and imperils the Sixth Amendment right to counsel.

On March 11, the courageous and skillful law firm Williams & Connolly [filed a lawsuit](#) on Perkins Coie's behalf, seeking to enjoin the president's order on constitutional grounds. At a hearing the next day, Judge Beryl A. Howell of Federal District Court in Washington issued an order temporarily barring enforcement of most of the order. The Justice Department responded by moving to disqualify Judge Howell, a motion she [rejected](#) in a withering opinion on Wednesday.

Our firm stands with Perkins Coie and all firms and lawyers who fight against this president's lawless executive actions. That's why [we've called on](#) other firms to join us in submitting a friend of the court brief in support of Perkins Coie.

If lawyers and law firms won't stand up for the rule of law, who will?

Beyond the Perkins Coie executive order, Mr. Trump has issued similar, and equally unlawful, executive orders directed at other law firms that have represented causes or people he doesn't like, including because they have sued him, investigated him or contributed in some way to civil and criminal legal matters brought against him. That includes executive orders in recent days targeting the firms WilmerHale and Jenner & Block. He also issued a [memorandum](#) directed across the board at lawyers and law firms that have taken on causes he disfavors, including the pro bono representation of political asylum seekers.

We applaud Jenner & Block's and WilmerHale's [lawsuits](#), filed Friday, challenging the administration's executive orders.

To the shock and dismay of many in our profession, the law firm Paul, Weiss, with a tradition of fighting for justice — and also the subject of one of Mr. Trump's executive orders — chose not to fight for itself or for our legal system. Instead, the firm capitulated, agreeing to direct [\\$40 million](#) worth of free legal work to causes Mr. Trump supports. (Mr. Trump [said](#) on Friday that another major firm, Skadden, Arps, had agreed to a similar arrangement to avoid an executive order punishing it.) Paul, Weiss's choice was particularly disappointing because it further empowered Mr. Trump's attack on our profession and because Perkins Coie had already charted an alternative path, with a high likelihood of success.

We understand that while many firms have agreed to sign on to the Perkins Coie friend of the court brief, some large firms have hesitated or only conditionally agreed if enough of their peers do so first. No doubt they [fear losing clients](#) and incurring the president's ire.

We sympathize. We take seriously our obligations to our clients, our associates, our staff and their families. But at this crucial moment, clients need to find their courage, too. And partners at big firms — who often earn millions a year — must be willing to take financial risks when the fate of our nation, the future of our profession and the rule of law itself are at stake.

You can support a lawyer's right to represent unpopular clients and causes against powerful forces — essentially the oath we all took when becoming members of the bar. Or you can sit back, check your bank balance and watch your freedoms, along with the legal system and the tripartite system of government we should not take for granted, swirl down the drain.

This is not hyperbole. The common denominator among the president's recent spate of actions is that he appears to believe he has absolute authority to govern by fiat. What we've seen in the last few months tells us that we are moving ever closer to becoming an autocracy — and the current Congress is a lap dog that essentially offers no resistance. Along with the body politic as a whole, it seems the courts, and the lawyers who advocate in them, are all that stand in the way. A few brave judges will decide whether Mr. Trump is a president or a king. Knowing this, Mr. Trump attacks those judges, calls for their impeachment and sends out messages on social media trying to intimidate them.

Our decision to speak out on this issue was an easy one. We believe that one of the noblest things a lawyer can do is to stand up against the government on behalf of a client whom the government seeks to destroy. When Mr. Trump was indicted and sued, he hired lawyers to defend him. They did a good job, keeping him out of jail and preserving his fortune. For his administration to attack lawyers and firms whose members have opposed or annoyed him is a threat to our democracy.

Lawyers and big firms: For God's sake, stand up for the legal profession, and for the Constitution. Defend the oath you took when you became officers of the court. If we stand together and fight, we will win.

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