UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

PERKINS COIE LLP,

Plaintiff,

Civil Action No. 25-716 (BAH)

v.

U.S. DEPARTMENT OF JUSTICE, et. al.,

Defendants.

BRIEF OF AMICI CURIAE 504 LAW FIRMS IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR DECLARATORY AND PERMANENT INJUNCTION

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CORPORATE DISCLOSURE STATEMENT

Amici curiae are law firms and legal corporations. They have no parent corporations and

do not issue stock.

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INTEREST OF AMICI CURIAE¹

This *amicus* brief is filed on behalf of many of this Nation's leading law firms.² Although we do not take this step lightly, our abiding commitment to preserving the integrity of the American legal system leaves us no choice but to join together to oppose the March 6, 2025 Executive Order entitled "Addressing Risks from Perkins Coie LLP" (the "Executive Order") that is at issue in this litigation. The Executive Order (which is now subject to a temporary restraining order) should be permanently enjoined as a violation of core First, Fifth, and Sixth Amendment guarantees, as well as bedrock separation-of-powers principles.

But something even more fundamental is at stake. In recent weeks, the President has issued not one but *five* executive orders imposing punitive sanctions on leading law firms in undisguised retaliation for representations that the firm, or its former partners, have undertaken, and more may be in the offing.³ Those Orders pose a grave threat to our system of constitutional governance and to the rule of law itself. The judiciary should act with resolve—now—to ensure that this abuse of executive power ceases. Cf. *Cooper v. Aaron*, 358 U.S. 1 (1958).

³ See Addressing Risks from WilmerHale, The White House (Mar. 28, 2025) ("WilmerHale Order"), <u>https://tinyurl.com/4m8a79jn</u>; Addressing Risks from Jenner & Block, The White House (Mar. 25, 2025) ("Jenner Order"), <u>https://tinyurl.com/u7ts9x49</u>; Addressing Risks from Paul Weiss, The White House (Mar. 14, 2025) ("Paul Weiss Order"), <u>https://tinyurl.com/5w4j69fv</u>; Suspension of Security Clearances and Evaluation of Government Contracts (Feb. 25, 2025), <u>https://tinyurl.com/3yxdrmfp</u>.

¹ In accordance with Federal Rule of Appellate Procedure 29(a)(4)(E), *amici* certify that (1) this brief was authored entirely by counsel for *amici curiae* and not by counsel for any party, in whole or part; (2) no party or counsel for any party contributed money to fund preparing or submitting this brief; and (3) apart from counsel for *amici curiae*, no other person contributed money to fund preparing or submitting this brief.

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

<u>ARGUMENT</u>

1. The Executive Order at issue in this case, and the others like it, take direct aim at several of the Nation's leading law firms and seek to cow every other firm, large and small, into submission. On the basis of almost-decade-old allegations, the Executive Order subjects an entire firm, as well as its clients and personnel, to draconian punishment—including the revocation of its attorneys' security clearances, the potential loss of clients that contract with the United States, and denial of access to federal buildings and facilities. Such disabilities would threaten the survival of any law firm.

2. The looming threat posed by the Executive Order at issue in this case and the others like it is not lost on anyone practicing law in this country today: any controversial representation challenging actions of the current administration (or even causes it disfavors) now brings with it the risk of devastating retaliation. Whatever short-term advantage an administration may gain from exercising power in this way, the rule of law cannot long endure in the climate of fear that such actions create. Our adversarial system depends upon zealous 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 Services Corp. v. Velazquez, 531 U.S. 533, 545 (2001) ("An informed, independent judiciary presumes an informed, independent bar."). In the same vein, it is a deeply held 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-going back to John Adams' defense of eight British soldiers who perpetrated the Boston Massacre of 1770—consider it a core part of their professional obligation to take on representation of clients with whom they disagree, even vehemently. Indeed, the

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"courage" of attorneys who take on unpopular clients has long "made lawyerdom proud." *Sacher v. United States*, 343 U.S. 1, 4 (1952).

The work done by *amici*, and other firms like them, is indispensable to the success of our system. Many advocate for the interests of the Nation's leading business and financial institutions, which depend on the stability of the rule of law in order to thrive economically. Others advocate for the interests of small businesses, nonprofit organizations, 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—even with respect to the representations attacked in the executive orders. But despite those differences *amici* are united in their support for the integrity of the adversarial system and the rule of law.

3. The role of *amici* and firms like them is particularly important when a law firm represents a client challenging the actions of a president or his administration, Republican or Democratic. 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. By definition, such litigation brings lawyers into conflict with the policies and objectives of the Executive Branch.

Since this Court entered its Temporary Restraining Order, the Administration has redoubled its threats of retaliation against the legal profession. In that regard, the express targeting of law firm pro bono efforts in the three most recent executive orders—which attack those firms' pro bono representations as "activities that make our communities less safe, increase burdens on local businesses, limit constitutional freedoms, and degrade the quality of American elections"—is cause for particularly acute concern. Paul Weiss Order, § 1. For our system of

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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 v. Madison*, 5 U.S. 137, 163 (1803). Without such zealous advocacy, there is no prospect of equal justice under law.

4. History offers 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 too many countries and instances to name, regimes have disbarred, prosecuted and jailed lawyers who dared to represent opposition figures or challenge government actions, with predictable results for the rule of law and the integrity of the legal profession.

Fortunately, such abuses have been rare in our country's history. Over the past two decades alone, elite law firms have represented clients seeking to invalidate major presidential initiatives, 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 risk punitive retribution from the federal government for undertaking representations of this kind. And when state or local governments have attempted to wield the threat of official retribution to deter entities from advocating for what they believe, the Supreme Court has condemned such actions in clear and decisive terms. E.g. *National Rifle Ass'n v. Vullo*, 602 U.S.175, 189 (2024) ("[T]he First Amendment prohibits government officials from relying on the threat of invoking

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

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

⁶ Seila Law v. Consumer Financial Protection Bureau, 591 U.S. 197 (2020); Consumer Financial Protection Bureau v. Community Financial Services Ass'n, 601 U.S. 416 (2024).

legal sanctions and other means of coercion ... to achieve the suppression of disfavored speech." (citation omitted)). But that proud tradition is in jeopardy. Unless the judiciary acts decisively now, what was once beyond the pale will in short order become a stark reality. Corporations and individuals alike will risk losing their right to be represented by the law firms of their choice and a profound chill will be cast over the First Amendment right to petition the courts for redress.

5. Like every lawyer, the members of the *amicus* law firms have sworn an oath to uphold the Constitution and to discharge the obligations of the profession to the best of our ability. That oath obligates all of us, no matter our political views, to be faithful custodians of our Nation's commitment to the rule of law—a commitment that has 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. We therefore feel a special responsibility to stand up now to the unprecedented threat posed by the Executive Order at issue in this case and the others like it.

CONCLUSION

For the foregoing reasons, this Court should grant the motion for permanent injunction.

Dated: April 4, 2025

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with Local Civil Rule 7(0)(4) and does not exceed 25 pages. I further certify that the attached *amicus* brief complies with the typeface and type style requirements of Local Rule 5.1(d) because it has been prepared in a proportionally spaced typeface using Microsoft Word and 12-point Times New Roman font.

Dated: April 4, 2025

/s/ Donald B. Verrilli, Jr. Donald B. Verrilli, Jr.

APPENDIX A

List of Amici Curiae

300degrees PLLC Advocate Law Group P.C. Ajamie LLP Aldous Law Ali & Lockwood LLP ALR Civil Rights LLC Alto Litigation Altshuler Berzon LLP Anapol Weiss Anderson & Kreiger LLP Andrus Anderson LLP Andrus Wagstaff, PC Arete Law Group PLLC Arguedas, Cassman, Headley & Goldman LLP Armond Wilson LLP Arnold & Porter Arrowood LLP Arshack, Hajek & Lehrman, PLLC Ascheman Law Aviso Legal Group LLP Aylstock, Witkin, Kreis and Overholtz, PLLC Bailey & Glasser, LLP Banashek Irving & McNutt, LLP Bangos Law Firm, P.A. Bangs, McCullen, Butler, Foye & Simmons, LLP Bantle & Levy LLP **Barrientos PC** Baughman Kroup Bosse PLLC Beale, Micheaels, Slack & Shughart, P.C. Bedell, Dittmar, DeVault, Pillans & Coxe, P. A. Beeman & Muchmore, LLP Berger Montague PC Berman Tabacco Bernstein & Gordon LLP Beveridge & Diamond, P.C. Binder & Schwartz LLP Bird, Marella, Rhow, Lincenberg, Drooks & Nessim, LLP Birrell Law Firm PLLC BLL LLP Bloom Law PLLC Blumberg Law Corporation Bondurant, Mixson & Elmore Botkin Chiarello Calaf PLLC Bradley Bernstein Sands LLP Brandt Law, PLLC

BraunHagey & Borden LLP Breskin Johnson & Townsend Brian L. Tannebaum, P.A. Broadband Legal Strategies, LLC BrotmanLaw, PLLC Brown, Goldstein & Levy, LLP Bryan Schwartz Law, P.C. Burgess Law PC Cade Law Group LLC Caffrey Hill, PLLC Caldwell LLP Cannon & Dunphy Caplan Cobb LLC Casey Gerry Francavilla Blatt LLP Charhon Callahan Robson & Garza, PLLC Charles J. Kettlewell LLC Charles S. Tusa PLLC Ciresi Conlin LLP Civil Rights Litigation Group, PLLC Clapp, Moroney, Vucinich, Beeman + Scheley Clarick Gueron Reisbaum LLP Clark Smith Villazor LLP Clarke Johnston Thorp & Rice, PPC Clayman Rosenberg Kirshner & Linder LLP Clean Energy Counsel, LLP Clifford Law Offices, P.C. Clinton & Peed Coast Law Group, LLP Coblentz Patch Duffy & Bass LLP Cochran Law Group Cohen Hirsch LP Cohen Milstein Sellers & Toll PLLC Cohen Williams LLP Colantuono, Highsmith & Whatley Commins, Knudsen & Chou Complex Appellate Litigation Group LLP Conrad | Metlitzky | Kane LLP Coogan Gallagher Coopers LLP **Coppersmith Brockelman PLC** Corr Cronin LLP Cotchett, Pitre & McCarthy, LLP Covington & Burling LLP Cowan DeBaets Abrahams & Sheppard LLP Crain Brogdon, LLP Creative Criminal Defense Consultants

Crowell & Moring LLP Cultural Heritage Partners, PLLC Cummins & Cummins, LLP Curcio Law, PLLC Daar & Newman, a Professional Law Corporation David Corbett PLLC Davis Graham & Stubbs LLP Davis Levin Livingston Davis Wright Tremaine LLP DEH Law, PLLC **Deutsch Hunt PLLC** DMC Law, LLC Donahue, Goldberg & Herzog Dorsay & Easton LLP Doyle Dennis Avery LLP Dreher Law Firm Dreyer Babich Buccola Wood Campora, LLP Eagle Team LLP Edelson PC EDGE, A Professional Law Corporation Edward R. Shaw P.A. Ehrlich & Craig LLP Eimer Stahl LLP Emery Celli Brinckerhoff Abady Ward & Maazel LLP Equity Litigation Group LLP Eric Maxfield Law, LLC Esler Stephens & Buckley LLP Estes Law Group Ezkovich & Co., LLC Faraci Lange, LLP Farella Braun + Martel LLP Faughnan Law, PLLC Feinberg, Jackson, Worthman & Wasow LLP Fenwick & West LLP Finkel Law Group P.C. Fisher Taubenfeld LLP Foley Hoag Folger Levin LLP Forsgren Fisher McCalmont DeMarea Tysver LLP Fox & Robertson, PC Frank Freed Subit & Thomas Frankel PLLC Frankfurt Kurnit Klein & Selz Freedman Boyd Hollander & Goldberg P.A. FreelandLaw LLP Freshfields US LLP

Friedemann Goldberg Wargo Hess LLP Friedman | Rubin, PLLP Gainey Law, PLLC Gair Gair Conason Rubinowitz Bloom Hershenhorn Steigman & Mackauf Galiher DeRobertis & Waxman LLP Gallagher Evelius & Jones LLP Garmey Law Getman, Sweeney & Dunn, PLLC Gibbs Mura LLP Gingras, Thomsen & Wachs, LLP Girard Sharp LLP Gish PLLC Giskan Solotaroff & Anderson LLP Glaser Weil Fink Howard Jordan & Shapiro LLP Gleason, Dunn, Walsh & O'Shea Glenn Agre Bergman & Fuentes LLP Glenn F. Hardy PC Goodley McCarthy LLC Gordon Thomas Honeywell Law Gordon Tilden Thomas & Cordell LLP GrahamHollis, APC Grant & Eisenhofer, P.A. Graves, Dougherty, Hearon & Moody, P.C. Green & Willstatter Greenblatt Law LLC Greene Broillet & Wheeler, LLP Greene Espel PLLP Greenspun Shapiro Ginsberg & Yang PC Groombridge, Wu, Baughman and Stone LLP Gross & Belsky PC Grossman LLP Grossman Roth Yaffa Cohen Gupta Wessler LLP Gustafson Gluek, PLLC **GVR** Partners LLP Hagens Berman Sobol Shapiro LLP Hanson Bridgett LLP Hanson Crawford Crum Family Law Group, LLP Hanusz Law, PC Harris St. Laurent & Wechsler LLP Hausfeld LLP Hecker Fink LLP Hepworth Holzer, LLP Hinman Legal PC Hirschfeld Kraemer LLP HKM Employment Attorneys LLP

Holland, Holland Edwards & Grosmman, LLC Holmes Costin & Marcus PLLC Holwell Shuster & Goldberg LLP Hoq Law APC Houlding Law PC Hughes Socol Piers Resnick & Dym, Ltd. Hutchinson, Black and Cook, LLC Hykel Law, LLC Iliff, Meredith, Wildberger & Brennan, PC Incline Law Group, LLP Interlaken Law Group, PLLC J. Cantor Law Jacobs & Schlesinger LLP James D. Leach Attorney James D. Taylor, P.C. James Ellis Arden Jassy Vick Carolan LLP Jenner & Block LLP John A. Yannis, Attorney at Law John Vail Law PLLC Johnson & Klein Law Justice Law Collaborative LLC Kaiser PLLC Kaplan Gore LLP Kaplan Kirsch LLP Kaplan Law Firm, PLLC Kaplan Martin LLP Katz Banks Kumin LLP Kaufman Lieb Lebowitz & Frick KBM Law Keker, Van Nest & Peters LLP Keller Benvenutti Kim LLP Keller Grover LLP Keller Rohrback LLP Kendall Brill & Kelly LLP Kenneth P. Tableman, P.C. Kevin Kohls PLC **Kieve Law Offices** Killmer Lane, LLP Kingfisher Law APC KKL LLP Kline & Specter, PC KO Law PC Kohn, Kohn & Colapinto, LLP Koskoff Koskoff & Bieder, PC Kosloski Law, PLLC

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Motley Rice LLC Moya Law Firm Munger, Tolles, & Olson LLP Munley Law PC Nace Law Group Nachawati Law Group PLLC Neal, Gerber & Eisenberg LLP Neill Schwerin Boxerman, P.C. Nelson & Fraenkel LLP Newman McNulty Nichols Kaster, PLLP Northern Justice Project, LLC Ogborn Mihm, LLP Olson Grimsley Kawanabe Hinchcliff & Murray LLC O'Malley & Madden, P.C. Orange Law Offices, P.C. Orsus Gate LLP Outten & Golden LLP Pacific Northwest Law LLP Pacifica Law Group LLP Paradigm Counsel LLP Paradise Law Group, PC Parker Lipman LLP Parker Pohl LLP Pashman Stein Walder Hayden, P.C. Patterson Belknap Webb & Tyler LLP Paul H. Stevenson Law Offices Peiffer Wolf Carr Kane Conway & Wise, LLP Perdue & Kidd LLP Persyn Law & Policy Peter L. Conway, P.C. Petrillo Klein + Boxer LLP Pfeiffer Rudolf LLC Phillips & Paolicelli Podhurst Orseck, P.A. Pope McGlamry, P.C. Price Law, LLC Purchase, George & Murphey, P.C. Rafferty Domnick Cunningham Yaffa Rathod Mohamedbhai LLC **REH** Legal Reitler Kailas & Rosenblatt LLP Rekhi and Wolk Relman Colfax PLLC **Richards Carrington**, LLC Ritz Clark & Ben-Asher LLP

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Smith Partners PLLP Solow, PLLC Spark Justice Law LLC Spear Wilderman, P.C. Spera Law Group, LLC Sperling Kenny Nachwalter, LLC Spertus, Landes & Josephs, LLP Spiegel & McDiarmid LLP Stapleton Segal Cochran LLC Stenberg Law, PLLC Sterne, Kessler, Goldstein & Fox PLLC Steven Toff Law & Consulting, PLLC Stoel Rives Strehorn, Ryan & Hoose Stulberg & Walsh, LLP Sunstein LLP Susman Godfrey L.L.P. Tabitha Myers Law PLLC (Midtown Law) Taus, Cebulash & Landau, LLP Terrell Marshall Law Group PLLC Terris, Pravlik & Millian, LLP The Advani Law Firm The Banks Law Firm, P.A. The Basile Law Firm The Coopersmith Law Firm, LLP The deRubertis Law Firm, APC The Employment Law Group, PC The Fierberg National Law Group, PLLC The Josh Greenberg Law Firm PLLC The Krudys Law Firm, PLC The Law Office of Barry M. Wolf The Law Office of Christy O'Connor The Law Office of Deborah M. Golden (Golden Law) The Law Office of Marlo P. Cadeddu, P.C. The Law Office of Stephen Wade Nebgen, PLLC The Law Offices of Eric J. Moutz, LLC The Law Offices of John Burton The Law Offices of Mark P. Zimmett The Law Offices of Peter Swarth The Law Offices of Seth P. Chazin The Maddox Firm LLC The Norton Law Firm PC The Paer Law Group, APC The Prinz Law Firm, P.C. The Rossman Firm LLC The Schaps Law Office, A.P.C.

The Soto Law Office, LLC Thede Culpepper Moore Munro & Silliman LLP Thomas Law LLC Tim Lyons Law, PLLC Tin Fulton Walker & Owen, PLLC Todd & Weld LLP Tonkon Torp LLP Torgan Cooper & Aaron Trister, Ross, Schadler & Gold, PLLC Untiedt Dabdoub, PLLC VANAMAN GERMAN LLP Victor M. Glasberg & Associates VII & IX, A Professional Law Corporation Vinick Hyams LLP Visible Law LLC Vladeck, Raskin & Clark, PC Vodde IP, PLLC Volin Employment Law, PLLC Walden Macht Haran & Williams LLP Walkup Melodia Kelly & Schoenberger Wallen Law PC Wang Hecker LLP Washington Employment Benefits Advocates, PLLC Waters Kraus Paul & Siegel Weddle Law PLLC Weissman & Mintz LLC Weitz & Luxenberg, P.C. Whistleblower Partners LLP White & Stradley, PLLC Wiggin and Dana LLP Wilkinson Stekloff Willenson Law, LLC William D. Shapiro Law, Inc. Williams Oinonen LLC Wilmer Cutler Pickering Hale and Dorr LLP Wilson Turner Kosmo LLP Windy City Trial Group Winebrake & Santillo, LLC Wolf & Oxley PLLC Woodside Counsel, P.C. Work/Environment Law Group Yetter Coleman LLP Yow PC Zalkind Duncan & Bernstein LLP Zimmer, Citron & Clarke LLP Zimmerman Reed LLP

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