



AMERICAN COLLEGE OF TRIAL LAWYERS

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THE AMERICAN COLLEGE OF TRIAL LAWYERS CONDEMNS LATEST EXECUTIVE ORDERS TARGETING LAW FIRMS

NEWPORT BEACH, CALIFORNIA (March 30, 2025) – The American College of Trial Lawyers (ACTL), acting through its Executive Committee, condemns the two latest Executive Orders issued by President Trump against major law firms. These Executive Orders are the fourth and fifth such orders brought in the past few weeks, and the White House has indicated there are more to come. The cumulative effect of these orders is intended to create an atmosphere of intimidation within the legal community. Each of these orders that has been reviewed by a court has been determined in preliminary rulings to violate fundamental constitutional rights essential to the Rule of Law. Yet, the President threatens to issue additional such Orders.

The latest two Orders direct the Attorney General and others to take various actions against lawyers from Jenner & Block and WilmerHale. The actions taken include the threat of: (a) suspension of all security clearances for lawyers at the firms; (b) exclusion of the firms' attorneys from public buildings; and (c) cancellation of all government contracts not only with the firms, but with clients of the firms. The principal two justifications for both orders are that the firms have litigated matters against the government and taken positions on behalf of clients (including pro bono clients) as to which the President disagrees, and that the firms have employed attorneys who – in prior government positions – participated in investigations with which the President disagrees.

It is contrary to our system of justice for the President to seek retribution against law firms based on positions the firms have taken on behalf of clients in litigations against the government. It is equally contrary to our system of justice for the President to seek retribution because he disapproves of specific attorneys the firms have chosen to hire. Under our system of justice, everyone is entitled to legal representation, and lawyers must be free to take on clients as they wish (including pro bono clients), and to represent them zealously without fear of government retribution. Lawyers must also be free to conduct investigations, as public servants or otherwise, without fear of later reprisal from the government. And clients must be free to choose their counsel without fear of government sanction.

By punishing the firms because of positions they have taken on behalf of clients, or because of the attorneys they have chosen to hire, the Executive Orders violate bedrock principles of



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our legal system and undermine the Rule of Law. Such acts of retaliation endanger our system of justice because they intimidate lawyers and chill their ability and/or willingness to represent clients – or to investigate the government – out of fear of retribution. This form of government intimidation is at odds with our system of justice, does damage to the Rule of Law, and must be condemned. We view this conclusion as clear cut and self-evident.

We applaud the actions and courage of those affected firms who have filed lawsuits challenging these Executive Orders, and the law firms that have bravely stepped up to represent the affected firms. Such challenges are not only necessary – they are proper and reflect the noblest traditions of the American system of justice.

The rulings of the judiciary on these challenges should be respected by one and all. Under our system of justice, it is the judiciary that ultimately decides the legality of an Executive Order. The notion that the President has unlimited powers in this area is belied by centuries of constitutional jurisprudence. And when lawyers are not free to challenge governmental actions without fear of retribution, the very separation of powers central to our democracy and to our Constitution is placed at risk. For all these reasons, the American College of Trial Lawyers opposes these unlawful Executive Orders and condemns their unconstitutional nature. We call upon all lawyers to do the same.

About The American College of Trial Lawyers

The American College of Trial Lawyers comprises the best of the trial bar from the United States, Canada and Puerto Rico and is widely considered to be the premier professional trial organization in North America. Founded in 1950, the College is an invitation only fellowship. The College thoroughly investigates each nominee for admission and selects only those who have demonstrated the very highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on important legal issues relating to its mission. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings.

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