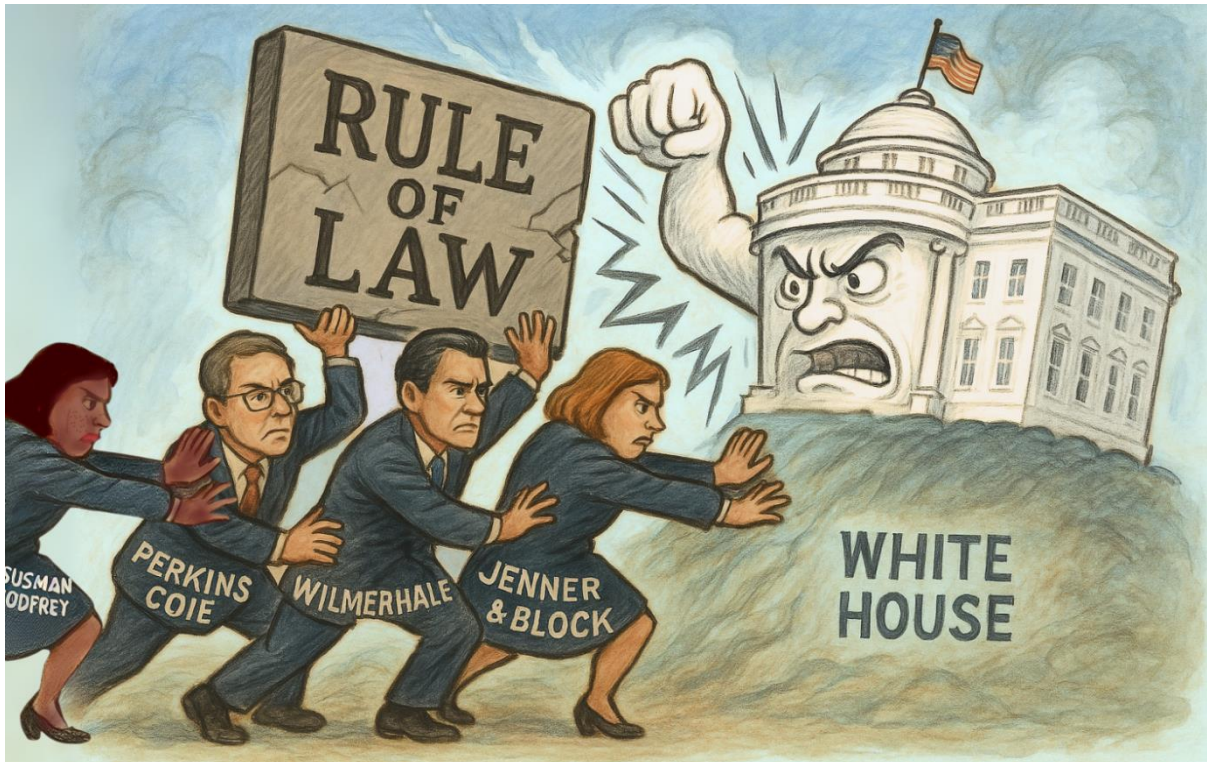


Big Law's Brave "Few", Their Inevitable Pyrrhic Victory, and Why This Is Still a Tragedy for The Rule of Law



15 April 2025

By Scott Gibson & Sloane Poulton – Directors at Edwards Gibson

We can always hope that we will look back at the unprecedented assault by the White House on Big Law as a very serious, yet narrowly avoided, threat to the rule of law. Perhaps when it's all over some eloquent jurist will utter something suitably Churchillian along the lines of, *"Never in the field of jurisprudential conflict was so much owed by so many to so few"*.

We can hope that the quartet of Big Law firms - **Perkins Coie, Jenner & Block, Susman Godfrey and Wilmer Hale**, bravely fighting back against the Trump Administration's seemingly illegal executive orders, which appear to have singled them out for simply performing their constitutionally protected activities, will succeed. In view of the very real threat to the rule of law, and the existential, and immediate, risk to their own businesses, they and their fellow law firm advisers, deserve the approbation and support, of not just the legal services industry, but of us all.

The orders, which also target the clients of these law firms, and even appear to restrict their lawyers from entering courtrooms, have been called a "functional death sentence", so (unsurprisingly) they have been temporarily stayed ahead of additional hearings. Unfortunately, whilst it seems probable that the quartet will ultimately overturn the more vexatious provisions within the orders, for the rule of law, this will likely prove a pyrrhic victory. As demonstrated by the scramble of other Big Law firms to settle with the administration, the reality is that, going forward, all major commercial law firms will be more particular about which clients and matters they can take on. This is because, despite protestations to the contrary, existing clients will not want to get caught in the crossfire by continuing to instruct a law firm which has incurred the ire of an administration which has shown itself perfectly capable of targeting that law firm's clients simply by association. Whilst it may sound trite to use the term "justice" in the context of billion-dollar law firms, the ramifications for justice are nonetheless chilling.

Whilst it may sound trite to use the term “justice” in the context of billion-dollar law firms, the ramifications for justice are nonetheless chilling.

At stake is an issue which transcends right-wing vs left-wing politics. Asset owning capitalists have as much to lose from the breakdown in the rule of law as the indigent left, nor, despite the administration's demands that all law firms drop DEI policies, is it about culture wars; even arch liberals can find Big Law's constant grandstanding on DEI a tad wearing. As the White House executive orders unashamedly make clear, it is about singling out for vengeance those law firms whose employees and partners have, at some time, taken an adverse position to the current administration or its causes. A mixture of political vengeance and, more importantly for the rule of law, a warning to lawyers not to represent clients or causes in opposition to the administration.

... Yikes!