

PATRONAGE IS A LUCRATIVE WAY TO ATTACK RULE OF LAW

Yesterday, Trump issued another Executive Order targeting a law firm, this time Jenner & Block.

His rationale is even thinner than the other manufactured reasons to target law firms. The EO alludes to Jenner's support for trans people and migrants.

More extensively, it complains that Jenner rehired Andrew Weissmann for a period after he convicted Paul Manafort for being a tax cheat, a money launderer, and a foreign influence peddler.

Jenner was also "thrilled" to re-hire Andrew Weissmann, a prosecutor known for his unethical behavior, including his role in engaging in partisan prosecution as part of Robert Mueller's entirely unjustified investigation.

Weissmann's career has been rooted in weaponized government and abuse of power, including devastating tens of thousands of American families who worked for the now defunct Arthur Andersen LLP, only to have his unlawfully aggressive prosecution overturned by the Supreme Court.

The numerous reports of Weissman's dishonesty, including pursuit of nonexistent crimes, bribery to foreign nationals, and overt demand that the federal government pursue a political agenda against President Trump, is a concerning indictment of Jenner's values and priorities.

The crimes for which Manafort was actually prosecuted were suspected crimes identified long before Trump started pursuing help from Russia

to get elected. Weissmann never succeeded in getting Manafort to tell the truth about his relationship with Konstantin Kilimnik and other alleged Russian agents.

And while Weissmann has been a loud champion for accountability for Trump since January 6, he left Jenner in 2021, before most of his criticism.

Nevertheless, a lot of coverage of the EO (like Devlin Barrett's here) has dutifully rehearsed Trump's transparently thin claims as if they are the real reason for the attack.

They can't be. After all, Jones Day continues to boast about doing the same kind of pro bono work, including supporting migrants, that Trump cites in his Jenner EO.

In 2021, Jones Day expanded our work to serve migrant children, women, and families by opening a new office in the Rio Grande Valley. We call our newest phase of our work—The Border Project 3.0.

Jones Day has provided legal education to over 10,000 migrants, and has managed more than 600 individual cases for women, children, and families. Over 1,100 lawyers from every domestic office and Mexico City have dedicated more than 280,000 hours to these cases.

We continue to provide aid and support to vulnerable migrant populations. When dangerous circumstances in the Middle East and Africa resulted in waves of refugees in Lesvos, Greece, Jones Day deployed lawyers from the region to help ensure that the laws governing humanitarian relief are properly applied, particularly women and children. More than 20 lawyers have dedicated in excess of 2,800 hours to this project.

It continues to celebrate its own diversity initiatives.

And yet Trump has left the Republican Party's main law firm unscathed.

Which is why I think more focus should be given to this passage from Brad Karp's cowardly letter explaining why he capitulated when Trump similarly focused on Paul Weiss. It's not just that Trump's EOs scare existing law firm clients from working with the targeted firms. It's that other firms – firms protected from Trump's wrath – have exploited the EOs to attempt to expand their business and talent.

We were hopeful that the legal industry would rally to our side, even though it had not done so in response to executive orders targeting other firms. We had tried to persuade other firms to come out in public support of Covington and Perkins Coie. And we waited for firms to support us in the wake of the President's executive order targeting Paul, Weiss. Disappointingly, far from support, we learned that certain other firms were seeking to exploit our vulnerabilities by aggressively soliciting our clients and recruiting our attorneys.

Yes, these EOs are designed to deprive Trump's most vulnerable targets of good legal representation.

Yes, these EOs are designed to delegitimize efforts to hold corruption like Manafort's (and by extension, that of anyone in Trump's loyal orbit or willing to turn on his adversaries) accountable.

But they're also designed to give affiliated firms patronage, business opportunities dependent on loyalty. That turns these law firms into little more than lobbying firms, little different than Ballard Partners, a Trump-connected lobbying firm that experiences a

bonanza every time Trump gets in office (and not coincidentally, that employed Pam Bondi until her confirmation as the lawyer enforcing this patronage). Once law firms have become indistinguishable from lobbying firms – something that was trending anyway – then rule of law is only accessible to those with proper ties.

You're paying for influence, not for legal acumen.

And in the process firms loaded with legal acumen will rely increasingly on their blind fealty.

Deborah Pearlstein renews the call for law firms to exercise some solidarity in the face of Trump's persistent attacks. But thus far, the rush for spoils has undermined any such solidarity and adherence to law, not fealty.