

TRUMP'S TARGETING OF SUSMAN GODFREY TARGETS A LAW FIRM THAT STOOD WITH PERKINS COIE

Yesterday, Donald Trump targeted Susman Godfrey with his latest Executive Order targeting a law firm. That's significant, because the firm both joined an amicus of 504 law firms and represents Former Senior Government officials with their own amicus (which among other things compares these EOs to McCarthy era blacklists). Trump's "fact [sic] sheet" justifying the attack on Susman Godfrey is particularly thin, failing to lay out the specific things that have irked Trump, though undoubtedly the debunking of Trump's false Dominion claims are among the grievances. It says, in part:

- Susman spearheads efforts to weaponize the American legal system and degrade the quality of American elections.
- Susman funds groups that engage in dangerous efforts to undermine the effectiveness of the U.S. military through the injection of political and radical ideology, and it supports efforts to discriminate on the basis of race.

Given Susman Godfrey's active involvement in attempts to combat the Perkins Coie attack, it's certainly possible that Trump includes efforts

to combat his attack on law firms among what he considers an “efforts to weaponize the American legal system.”

So in the spirit of solidarity, I thought it’d be an appropriate time to extract a list of all the entities – mostly but not exclusively other lawyers or legal organizations – who have come out in support of Perkins Coie. It took a while, and it has yet to include the white shoe firms who are being similarly targeted, but in recent weeks a slew of entities have filed amicus briefs in support of Perkins Coie. (There are more amicus briefs coming in; I’ll update this accordingly.)

I’ve bolded several, often briefs that make apt historical comparisons, that I found most helpful. Note too the amicus briefs that address the toughest issue before Perkins Coie: To explain why Trump abused the President’s expansive authority to decide security clearances.

Susman Godfrey issued the following statement yesterday after Trump targeted the firm:

Anyone who knows Susman Godfrey knows we believe in the rule of law, and we take seriously our duty to uphold it. This principle guides us now. There is no question that we will fight this unconstitutional order.

By targeting a firm that stood up for Perkins Coie, Trump may well have escalated this issue.

Amicus briefs

Former DC Bar Presidents: On import of adversarial proceedings, providing history of lawyers – including Eleanor Holmes Norton – representing clients whose views they oppose.

363 Law Professors: On violations of First,

Fifth, and Sixth Amendments. [A total of 676 signed the amicus filed in the Jenner and WilmerHale dockets.]

ACLU, EFF, CATO, and other legal advocacy groups: On retaliation and separation of powers.

Lawyers Defending American Democracy: Argues usurpation of judicial authority.

Lawyers Committee for Civil Rights Under Law: On import of pro bono bar.

NACDL and NYCDL: On violation of Sixth Amendment, citing John Roberts.

346 Former Judges: Argues order promotes hostility to adjudication and judicial officers.

504 Law Firms (full list): Includes list of challenges to presidential initiatives, including Military Commissions, Affordable Care Act, Dodd-Frank

Solo Practitioner Kenneth Pickering: On climate of intimidation against all lawyers.

Litigation Firms: On zealous advocacy.

Former and Current General Counsel: Arguing the EO "hijacks a corporation's relationship with outside counsel."

Bar Associations: Describing that, "Undermining the bar's independence has historically been a key step on the road to authoritarianism."

NAACP Legal Defense Fund: Recalling similar efforts under Jim Crow, arguing that Black Americans are particularly vulnerable when government ignores rule of law. Addresses Bill of Attainder.

International Academy of Trial Lawyers: Citing Principle 16 of the United Nations Basic Principles on the Role of Lawyers.

Former Senior Government Officials (full list): EO not authorized by Congress, nor by inherent powers, including justiciability of security

**clearances. Notes lack of historical precedent.
Addresses Bill of Attainder.**

Media and Press Freedom Organizations (full list): Argues that Trump will use similar tactics against the press.

Korematsu Center: Warns against deference to government claims of national security (also citing Gitmo). Cites precedent prohibiting government sanction of law firms to prevent challenges.

Legal Ethics Professors: Raises concerns about informed consent for clients and bribery statutes.

Perkins Coie filings

[docket]

March 11: Complaint

March 11: Motion for TR0

March 12: AUSA Douglas Dreier files notice of appearance; AUSA Terry Henry files notice of appearance that includes CoS Chad Mizelle

March 12: Order granting TR0

March 14: DAAG Richard Lawson files notice of appearance

March 14: Status report on compliance

March 18: Douglas Dreier withdraws appearance

March 18: Follow-up status report on compliance (signed exclusively by political appointees)

March 18: Motion to clarify TR0 (narcing out DOJ for limiting agencies that comply)

March 20: Status report (filed late)

March 20: Supplemental status report offering thin excuses for not fully complying at first

March 21: Motion to disqualify Beryl Howell

March 26: Order denying motion to disqualify

April 2: Motion for summary judgment

- Statement of facts (including Republicans from firm, range of federal business, description of pro bono work, details on Marc Elias and Michael Sussmann and decade of Trump's animus, description of lawyers with clearance – including one granted Top Secret clearance under Trump)
- David Burman Declaration
- Chris Manning Declaration
- Bruce Green Expert Report (on judicial regulation of lawyers)
- Robert Hirshorn Expert Report (on zealous advocacy)
- Roy Simon Expert Report (on Constitutional problems)
- Bill Leonard Expert Report (on security clearance)

April 2: Motion to dismiss (claiming, among other things, shotgun pleading that doomed Trump's lawsuit against Perkins Coie in Florida, and including a short substance-free paragraph on the Steele dossier)

April 2: Motion to reconsider scope of injunction (leading other law firms to include each and every agency defendant)

WilmerHale filings

[docket]

March 28: Motion for TR0, Preliminary Injunction

- Bruce Berman Declaration

April 8: Motion to dismiss (which seems to include things from Perkins Coie filing inapplicable here)

April 8: Motion for summary judgement

- Summary of facts
- Bruce Berman Declaration
- Joseph DeMott Declaration

Jenner & Block filings

[docket]

March 28: Motion for Temporary Restraining Order

- Declaration of Thomas Perelli

April 8: Motion for summary judgement

- Summary of facts
- Michael Attanasio Declaration

April 8: Motion to dismiss