Congress of the United States
Washington, DC 20510

April 6, 2025

VIA EMAIL

Mr. Jon A. Ballis
Chairman
Kirkland & Ellis LLP
333 W Wolf Point Plaza
Chicago, IL 60654

Dear Mr. Ballis:

We write today regarding President Trump's decision to target or harm certain law firms and members of the legal profession due to their representation of clients and causes he finds objectionable. President Trump's shocking actions obviously violate essential rights guaranteed to all Americans in the First, Fifth, and Sixth Amendments of the United States Constitution. As the Ranking Members of the Senate Permanent Subcommittee on Investigations and House Judiciary Committee, we seek information and records from your firm related to your own role in facilitating the administration's unlawful coercion of other law firms and your reported negotiations with the Trump Administration to avoid an executive order targeting your firm.

Over the past few weeks, in five executive orders targeting and punishing specific law firms, President Trump has taken aim at these firms for representing clients and advocating for causes that he abhors. He has attempted to punish these firms by revoking their attorneys' security clearances, preventing them from entering any federal buildings, and even seeking to terminate any government contracts they have and preventing their employees from future government employment.[1] These brazen attacks include a March 14, 2025 Executive Order entitled "Addressing Risks from Paul Weiss," in which President Trump took aim at the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP for representing clients who sued the first Trump Administration and for employing Mark Pomerantz, a distinguished attorney and prosecutor who left the firm to assist the Manhattan District Attorney's Office with its investigation into the finances of President Trump.[2] The following week, on March 20, 2025, President Trump announced that, in response to the actions threatened by the Executive Order, Paul, Weiss had decided to submit to certain of the President's demands.[3]

This unprecedented abuse of executive power to settle personal scores is part of a broader effort by President Trump to use the powers of the presidency to intimidate and silence his

[1] *See, e.g.*, *Trump order targeting Perkins Coie is 'affront to the Constitution,' suit says; judge sees 'chilling harm of blizzard proportions'*, ABA JOURNAL (March 13, 2025), https://www.abajournal.com/web/article/trump-order-targeting-perkins-coie-is-an-affront-to-the-constitution-law-firm-says-in-lawsuit.

[2] Exec. Order, Addressing Risks from Paul Weiss (March 14, 2025), https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-paul-weiss/.

[3] *See* Donald J. Trump (@realDonaldTrump), Truth Social (March 20, 2025 6:10 P.M.); Exec. Order, Addressing Remedial Action by Paul Weiss (March 21, 2025), https://www.whitehouse.gov/presidential-actions/2025/03/addressing-remedial-action-by-paul-weiss/.

perceived enemies. These actions not only violate longstanding norms, but directly violate rights guaranteed to all Americans in the First, Fifth, and Sixth Amendments of the United States Constitution. The Courts that have considered these vendetta orders to date have universally ruled against them and noted that they violate the First Amendment right to free speech as they are plainly "retaliatory action" meant to "chill[] speech and legal advocacy,"[4] and that they violate the right to counsel guaranteed by the Fifth Amendment and the Sixth Amendment by absurdly banning the targeted firms' lawyers from federal buildings and terminating their clients' government contracts.[5] Indeed, by seeking to intimidate attorneys and prevent them from advocating on behalf of clients and causes at odds with the President, the orders "cast[] a chilling harm of blizzard proportion across the entire legal profession."[6]

Beyond their specific constitutional infirmities, these executive orders are an open attack on the rule of law, which guarantees the equality of all citizens before the law and prevents the vindictive and arbitrary abuse of government power. These executive orders seek to impose harsh penalties on lawyers for the causes and clients they represent. This express form of viewpoint discrimination—a classic violation of First Amendment rights—runs counter to American values that have been the bedrock of our democracy and the legal profession since the founding era, when lawyer and later President John Adams defended British soldiers accused of participating in the Boston Massacre.[7] Like so many attorneys since then, Adams did not shrink from taking on unpopular clients and defending them against the government's prosecution because he "firmly believed that everyone had the right to a lawyer and a fair trial, so he willingly agreed to represent the soldiers even if it meant risking his reputation."[8] The same basic principles of fairness and the best defense for all are still cherished by the legal profession and constitutional patriots today.[9]

As far as we can tell from public reports, these executive orders have turned into an illegal shakedown of the legal profession.

It has been reported that one of the key considerations in Paul, Weiss's decision to seek an accommodation with the Trump Administration was efforts by your firm and others to lure away Paul, Weiss lawyers in light of President Trump's executive order.[10] More recent reporting has

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[4] M. Order, ECF No. 10, *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, Case No. 1:25-cv-00917-RJL (D.D.C March 28, 2025).

[5] *See, e.g.*, *Trump order targeting Perkins Coie is 'affront to the Constitution,' suit says; judge sees 'chilling harm of blizzard proportions'*, *supra* note 1.

[6] *Id*.

[7] Boston Massacre Trial, Nat'l Parks Service, https://www.nps.gov/articles/000/boston-massacre-trial.htm (last visited April 6, 2025).

[8] *Id.* In his own words, John Adams reflected on his representation, in part noting "every Lawyer must hold himself responsible not only to his Country, but to the highest and most infallible of all Trybunals for the Part he should Act." *Id*.

[9] *See* Associates Open Letter to Big Law Firms, https://docs.google.com/document/d/18ojmZhk6XmYM_gQJhl1KAhDecdcerly9EvmxJu8A5rI/edit?tab=t.0 (last visited Apr. 5, 2025) ("As attorneys, our work often requires that we represent clients and interests that may not align with our own beliefs. Our system is predicated on the idea that everyone is entitled to zealous representation. Our duty as lawyers to conscientiously pursue our clients' interests, regardless of whether we personally agree with those interests, is a bedrock principle within the legal profession.").

[10] *Rivals Pounce on Paul Weiss, a Top Law Firm, After Trump's Order*, N.Y. TIMES (March 26, 2025), https://www.nytimes.com/2025/03/26/business/paul-weiss-trump-deal.html.

also suggested that your firm is currently engaged in discussions with the Trump Administration to try to avoid an executive order by acceding to certain of the President's demands.[11]

The American Bar Association's Model Rules of Professional Conduct provide in their opening preamble that "a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority."[12] Indeed, those rules also state that it is professional misconduct for a lawyer to "engage in conduct that is prejudicial to the administration of justice."[13] Your firm's reported conduct—seeking to profit from President Trump's unconstitutional attacks on the rule of law by trying to lure away Paul, Weiss lawyers, apparently prioritizing short-term profits over principle and professional obligation[14]—would, if true, represent a failure to stand in defense of the rule of law. So too would your reported attempts to preemptively accede to the President's demands as, if every law firm targeted by the President were to do so, the resulting threat to Americans' constitutional protections would erode our democratic values and cherished civil liberties, as well as cost the legal profession dearly and for many years to come.[15] Both decisions would constitute "engag[ing] in conduct that is prejudicial to the administration of justice" in violation of your professional and ethical obligations.

The American people deserve transparency with respect to the President's assault on constitutional rights and the rule of law, and this includes the considerations—such as efforts to recruit their attorneys or clients—that may compel firms to seek accommodations with the President. Accordingly, please provide the following information to the House Judiciary Committee and to the Permanent Subcommittee on Investigations by April 14, 2025:

1. Did members of your firm have contact with Paul, Weiss lawyers from March 14, 2025 to March 20, 2025?
    a. *If so*, which members of your firm contacted which members of Paul Weiss?
    b. *If so*, please describe the nature of these contacts, including who initiated the contact, what was discussed, and whether there were any efforts made to recruit Paul, Weiss attorneys to your firm in light of President Trump's executive order seeking to punish Paul, Weiss.
    c. *If so*, please detail to what extent you or other Kirkland & Ellis attorneys sought or received any ethical guidance surrounding seeking to lure lawyers from a firm facing an unconstitutional executive order, including from any state, federal, or other bar association.

2. Did your firm leadership have any discussions regarding coordinated efforts to recruit Paul, Weiss attorneys following the President's executive order against Paul, Weiss?

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[11] *Law Firm Kirkland & Ellis in Talks With White House to Avoid Executive Order*, WALL STREET J. (April 3, 2025), https://www.wsj.com/us-news/law/law-firm-kirkland-ellis-in-talks-with-white-house-to-avoid-executive-order-939a9f56.

[12] AM. BAR. ASS'N, MODEL RULES OF PRO. CONDUCT, Preamble, https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope/.

[13] *Id.* at Rule 8.4(d).

[14] *Rivals Pounce on Paul Weiss, a Top Law Firm, After Trump's Order*, *supra* note 9.

[15] *See* AM. BAR. ASS'N, *supra* note 12.

a. *If so*, which members of your firm were present during those conversations?
b. *If so*, please describe the nature of those conversations, including who initiated these conversations, whether you attempted to target particular Paul, Weiss attorneys, and, if so, which Paul, Weiss lawyers you decided to target, and any subsequent action taken in light of these conversations.

3. Did members of your firm have contact with known Paul, Weiss clients about securing new or additional business from those clients from March 14, 2025 to March 20, 2025?
    a. *If so*, which members of your firm and which known Paul, Weiss clients?
    b. *If so*, please describe the nature of those conversations, including who initiated them, whether members of your firm made an effort to secure new or additional business in light of the executive order entered against Paul, Weiss, and any subsequent action taken in light of these conversations.
    c. *If so*, please detail to what extent did you or other Kirkland & Ellis attorneys sought or received any ethical guidance surrounding seeking new or additional business from clients of a firm facing an unconstitutional executive order, including from any state, federal, or other bar association.

4. Did Paul, Weiss reach out to your firm seeking support in response to the President's March 14 Executive Order?
    a. *If so*, please describe the nature of this contact, including which member of Paul, Weiss contacted your firm and what they were seeking in support.

5. Did you approach the Trump Administration regarding a preemptive settlement to avoid an executive order against Kirkland & Ellis, or did they approach you? Please describe in detail the timeline of your engagement with the Trump Administration.

6. What do you understand to be the terms of the threatened executive order against Kirkland & Ellis? What, at present, are the proposed terms of your settlement?

7. To what extent did you or other Kirkland & Ellis attorneys seek or receive any ethical guidance surrounding the prospect of concluding a deal with President Trump, including from any state, federal, or other bar association?

In addition, please provide the House Judiciary Committee and the Permanent Subcommittee on Investigations with the following records[16] by April 14, 2025, and any subsequently produced records responsive to these requests on a bi-weekly basis thereafter:

1. All records referring or relating to President Trump's March 14, 2025 Executive Order "Addressing Risks from Paul Weiss," including but not limited to:

[16] For purposes of this request, "records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), direct messages, chats, calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

a. Any communications[17] with Paul, Weiss attorneys or known clients from March 14 to March 20, 2025;
b. Any communications regarding the March 14 Executive Order; and
c. Any communications with any officials in the Trump Administration from March 14, 2025 to the present concerning law firms other than Kirkland & Ellis.

2. All records referring or relating to any executive order threatened by President Trump against Kirkland & Ellis and Kirkland & Ellis's efforts to negotiate an agreement with President Trump, including but not limited to:
   a. Any communications regarding any threatened executive order or any proposed agreement;
   b. Any communications with any officials in the Trump Administration from March 14, 2025 to the present regarding any threatened executive order and any proposed agreement; and
   c. Draft records constituting or related to any proposed agreement between President Trump and Kirkland & Ellis.

Please contact the House Judiciary Committee and the Permanent Subcommittee on Investigations should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,

Richard Blumenthal
Ranking Member
Senate Permanent Subcommittee on Investigations

Jamie Raskin
Ranking Member
House Committee on the Judiciary

cc: The Honorable Ron Johnson
Chairman
Senate Permanent Subcommittee on Investigations

The Honorable Jim Jordan
Chairman
House Committee on the Judiciary

[17] For purposes of this request, "communications" include any records, as defined above, transmitted in any way between two or more individuals or entities.