

How Trump's attacks on lawyers endanger US democracy

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By Mark L. Wolf

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Every year the International Bar Association publishes a report on “the endangered lawyer” in a particular country. Past reports have focused on Turkey, the Philippines, Iran, Afghanistan, and Belarus, among other countries in which lawyers are persecuted because of their advocacy in opposition to the government.

This year’s report is on the endangered lawyer in the United States. The United States was chosen because the association correctly discerned that President Trump’s “attack on the independence of the legal profession is an attack on the core of democracy.”

Our federal government is based on the understanding that all power rests with the American people, some of it is delegated to Congress, some is delegated to the president, and it is the duty

of the courts to hold those officials to the limits of the power given to them.

It is now crucial that judges perform this fundamental function. However, they cannot do it alone. Judges can only decide actual cases brought by lawyers. As Supreme Court Justice Robert Jackson wrote in 1950, “in this country the administration of justice is based on law practice. Paper ‘rights’ are worth, when they are threatened, just what some lawyer makes them worth. Civil liberties are those which some lawyer, respected by his neighbors, will stand up to defend.”

The rights of the American people are now seriously threatened. Trump is taking actions that could make the United States like the other countries the IBA has reported on in the past. They are ruled by corrupt leaders who abuse their power to enrich themselves, jail their political opponents, suppress independent media that could expose their misconduct, punish peaceful protest, and do not allow the development of an independent, impartial judiciary to constrain these abuses. To accomplish this, those leaders must control their nations’ lawyers to assure that they will not be energetic advocates for their adversaries.

Trump has shown that he understands the importance of lawyers in increasing his power. He has directed the Department of Justice to serve his partisan purposes, targeting his perceived political enemies while sparing his friends and those who enrich his family from investigation, prosecution, and possible punishment.

For example, angry about former FBI director James Comey’s conduct during the 2016 presidential election and after calling him “scum,” Trump prompted then-Attorney General Pam Bondi to prosecute him. Lawyers who refused to seek this indictment were fired or resigned. Comey was recently indicted again for posting on social media an arrangement of seashells alleged to be a threat to kill Trump. That charge appears to be unlikely to be proven but will be punishing to defend. Meanwhile, 200 DOJ employees who participated in investigations of Trump’s retention of classified documents and role in the Jan. 6, 2021, attack on the Capitol have been purged.

In contrast, upon taking office, Trump’s DOJ quickly closed what appeared to be a promising undercover operation in which his “border czar” Tom Homan had reportedly been recorded, in September 2024, accepting \$50,000 in cash in return for indicating that he could use a potential position in a future Trump administration to provide government contracts.

Soon after assuming office for the second time, Trump began issuing executive orders sanctioning large law firms that employed attorneys who had participated in investigations or prosecutions of him, represented Hillary Clinton or his other political opponents, challenged his efforts to be declared the winner of the 2020 presidential election, or brought cases opposing his policies in his first term. The sanctions included barring the firms’ attorneys from federal

buildings, canceling their security clearances, and threatening to cancel government contracts of the firms' clients.

One large firm, Paul, Weiss, quickly condemned its partner who had participated in investigations of Trump and agreed to devote \$40 million in pro bono services to causes Trump championed. Because the firm had "agreed to a remarkable change of course," Trump revoked his sanctions.

Facing the possibility of similar executive orders, nine other firms agreed to settlements with Trump without being sanctioned. In those settlements, the firms agreed to provide a total of \$940 million in pro bono services to Trump's causes.

However, four of the sanctioned firms — WilmerHale, Perkins Coie, Sussman Godfrey, and Jenner & Block — each filed suit challenging the executive order sanctioning them. Each promptly prevailed in trial court. Judges found that the sanctions violated the firms' First Amendment rights to free speech and were unlawful efforts to coerce the firms to not represent clients in causes disfavored by the president. The Trump administration has appealed.

Despite these favorable decisions, many large firms are refusing to take cases against the Trump administration. Some have declined to represent FBI employees who were involved in investigating the attack on the US Capitol on Jan. 6. Some have also been unwilling to litigate cases involving environmental protections, LGBTQ rights, police accountability, and the detention and deportation of undocumented immigrants. Even the American Bar Association, which has filed or joined several suits against the Trump administration, has had difficulty finding firms to represent it, including in its suit challenging the sanctions on large law firms.

Defaulting in what has long been understood to be the duty of the bar to zealously represent persecuted parties against the more powerful or popular, large law firms represented plaintiffs in only 15 percent of the cases challenging Trump's executive orders between January and mid-September 2025, as compared to about 75 percent in a comparable period in his first term.

Many nonprofit organizations and smaller and mid-size firms are striving to fill the void created by the abdication of responsibility of the large firms. In the same period in 2025, they litigated the great majority of the roughly 400 cases challenging Trump, with frequent success in the trial courts, at least. However, they do not have the vast human and financial resources available to the largest firms. Therefore, it is likely that meritorious cases challenging Trump's policies are not being brought; individuals who are unlawfully injured, often irreparably, are not getting access to the courts; and our nation's ideal of equal justice under the law is at risk of becoming an illusion.

In 1770, John Adams, an opponent of the British government's colonial policy in America, represented the British soldiers charged with murdering five colonists in what became known as the Boston Massacre. All but two of them were found not guilty. As he anticipated, Adams's law practice suffered. However, he was ultimately highly respected and honored by being elected the second president of the United States.

Today — Law Day — American lawyers should reflect and rededicate themselves to emulating John Adams's example, combating Trump's attack on American democracy, and, in the words of another great lawyer, Abraham Lincoln, striving to assure that our "government of the people, by the people, and for the people shall not perish from the earth."