

December 16, 2020

Dear Partners and Counsel:

Our nation now embarks upon a transition between Presidential administrations, and many attorneys who have served in the outgoing administration are seeking roles in private practice. Historically, attorneys who have served in the federal government have offered valuable insight and prestige to their future clients and partners. Yet this outgoing administration has engaged in an unprecedented attack upon the rule of law itself—one in which administration attorneys have been complicit and, in many cases, played essential roles.

As fellow members of the legal bar, we collectively bear great responsibility for the enduring integrity of our profession and the principles that undergird our system of democratic governance. The rule of law is built upon democratic norms and legal ethics. These principles do not exist in the abstract, but are reinforced through the conduct and deliberate self-policing of each member of our legal community.

We urge you now to exercise great caution before welcoming former Trump administration appointees and officers into your ranks. With rare exception, these attorneys have discredited and disqualified themselves from positions at honorable, diverse, and forward-looking law firms.

As the [preamble to the Model Rules of Professional Conduct](#) notes, lawyers have a “special responsibility for the quality of justice” and “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.” Trump administration lawyers have betrayed this principle—and for your firm to welcome and embolden them would do so as well.

Over the past four years, the Trump administration has demonstrated a consistent disregard and disdain for a broad range of laws, including laws regulating the conduct and conflicts of executive branch officials, as well as those affecting ordinary civilians. Administration attorneys advocated spurious legal theories to support forcible separation of small children from families; supported the deployment of the US military to unlawfully repress peaceful protests; helped orchestrate a years’ long pattern of obstruction and resistance to lawful demands of criminal and Congressional investigations; leveraged the DOJ to intimidate political enemies with baseless charges; improperly abandoned or sought to undermine valid prosecutions in order to benefit Trump and his associates; and aided and abetted Trump in his lawless attacks on the census, the postal service, the courts, and our democracy. This misconduct has been facilitated and defended at every stage by attorneys in the White House, the Department of Justice, and other federal agencies, who pursued, approved, or provided fraudulent legal justifications for these myriad and repeat abuses. Such conduct cannot be condoned by the legal community of this nation.

In offering employment to those chief architects and counsels of the Trump administration, your firms would not only reinforce the patterns of practice that have disrupted our courts and undermined our democratic institutions, but also place at risk fellow partners, attorneys, employees, and clients. Trump lawyers and officials, associated with an administration known as much for the promotion of white supremacy as for any regulatory agenda, would render your organizations inhospitable places of employment for the talented attorneys upon whom you rely. You would alienate current and prospective domestic and international clients—even after you may have expended tremendous resources and delicately navigated cultural differences to obtain their business. The unethical, unlawful, and discriminatory conduct of Trump officials, and the looming potential of future criminal, civil, or bar investigations, will taint the integrity of your firms and undermine their prestige—and, ultimately, hit your bottom line. Over the coming months and years, multiple investigations will draw government, media, and public attention to the misconduct of these ex-Trump lawyers. Hiring them risks a permanent stain on your firm’s reputation.

We are often called upon to represent and defend unfavorable persons and interests from affirmative attack. But while this aspect of the lawyer’s role may include defending ex-Trump officials from criminal investigations, it surely does not extend to *hiring* them. It may be years before the full depths of the administration’s corruption, abuses of power, and illegal activity become publicly known. In the meantime, any politically-appointed attorneys who served the Trump administration, whether in a counsel position or otherwise, should be scrutinized with great care, even if their names or agencies have not yet been linked to scandal or corruption during their time in office.

Your firms have spent many decades diligently establishing reputations for professionalism, probity, and pragmatism, as you provide your clients honest counsel and zealous but honorable advocacy. Associating yourselves and your firms with ex-Trump lawyers would dishonor your partners, your employees, and your firm’s good name.

By: _____ /s/

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