June 24, 2025

The Honorable Letitia James
Office of the New York State Attorney General
The Capitol
Albany, New York 12224-0341

District Attorney Alvin Bragg
New York County District Attorney's Office
One Hogan Place
New York, NY 10013

Re: Request for Review into Extortion of New York Law Firms

Dear Attorney General James and District Attorney Bragg,

We write in response to the extraordinary and unprecedented attacks launched by Donald J. Trump and senior officials within his administration against a number of New York law firms. As set forth more fully below, the Administration's conduct constitutes a clear violation of New York criminal law that warrants the opening of a criminal investigation.

Since taking office, Trump has issued a series of executive orders that unlawfully threaten and subject certain law firms and their clients with punishing measures that include ending the firm's government contracts, revoking firm attorneys' security clearance, barring them from entering government buildings, and demanding that government contractors disclose business with these firms and subjecting their contracts to review. The executive orders have caused these law firms significant economic harm, costing them business, clients, and employees. To procure a rescission or to evade a threatened executive order, nine law firms have capitulated to Trump's demand for free legal services. Via this scheme, Trump has extracted the promise of nearly $1 billion in legal services for his chosen causes, cases, and allies.

The extortion of free legal assistance from large law firms is a brazen abuse of power that attacks attorney independence and undermines the adversarial system that is at the heart of our country's rule of law. The scheme warrants prompt investigation by your offices to determine whether Trump, senior officials in his administration, and other key allies have committed the crime of extortion, coercion, conspiracy to commit either offense, or attempt to commit either offense, in violation of New York law.

Background

On March 6, 2025, Donald J. Trump issued Executive Order 14230, Addressing Risks from Perkins Coie. In that order, he condemned the law firm for taking on cases with which he disagrees and for no other stated reason, terminated the firm's government contracts, revoked firm attorneys' security clearances, and barred firm employees from entering government buildings. The Executive Order also unlawfully attacked the firm's clients by requiring all government contractors to disclose business with the firm and subjecting their contracts to agency review. The threat was clear: if a company or person is a client of Perkins Coie, they will become disfavored by the Trump administration and lose their government contracts. Perkins Coie attorneys were immediately prohibited from attending an agency meeting on behalf of their clients; became subject to an EEOC investigation; and were fired by a number of clients who were also government contractors. *See Perkins Coie LLP v. U.S. Dep't of Justice*, No. CV 25-716 (BAH), 2025 WL 1276857, at *1 (D.D.C. May 2, 2025) [hereinafter *Perkins Coie*].

Perkins Coie promptly sued and won early and decisive victories to block the Executive Order from going into effect. *See id.*; *Perkins Coie LLP v. U.S. Dep't of Justice*, Order No. CV 25-716 (BAH) (Mar. 12, 2025) [hereinafter *Perkins Coie* TRO Order]. In her May 2, 2025 ruling granting a permanent injunction to block the executive order, Judge Howell of the District Court of the District of Columbia, issued a sharp rebuke of Trump's administration:

> The importance of independent lawyers to ensuring the American judicial system's fair and impartial administration of justice has been recognized in this country since its founding era. . . . The instant case presents an unprecedented attack on these foundational principles . . . . Using the powers of the federal government to target lawyers for their representation of clients and avowed progressive employment policies in an overt attempt to suppress and punish certain viewpoints . . . is contrary to the Constitution.

Perkins Coie, 2025 WL 1276857, at *1.

Despite the court's determination that these orders are illegal and unconstitutional, Trump issued a series of four nearly identical orders against four different law firms, all of which are headquartered or have offices in New York. *See* E.O. 14237 (Addressing Risks from Paul Weiss); E.O. 14246 (Addressing Risks from Jenner & Block); E.O. 14250 (Addressing Risks from WilmerHale); E.O. 14263 (Addressing Risks from Susman Godfrey). And he has threatened to issue more orders. *See Perkins Coie*, at *61, 63. Trump is targeting firms with which he has personal grievances, that have advocated for points of view with which he disagrees, represented clients that he perceives as adversaries, hired attorneys who have

carried out investigations and prosecutions that Trump dislikes, or hired a diverse pool of employees.

The orders had immediate, damaging consequences for the law firms. Paul, Weiss, Rifkind, Wharton & Garrison ("Paul, Weiss") was the first firm to capitulate to Trump's illegal and self-serving demands. The firm promised $40 million in free legal representation to causes and clients chosen by Trump in exchange for Trump reversing the executive order. *See* E.O. 14244 (Addressing Remedial Action by Paul Weiss). The firm's chair wrote in a memo to the firm's employees that "[t]he executive order could easily have destroyed our firm. It brought the full weight of the government down on our firm, our people, and our clients," and that even fighting the case in court would not resolve the fact that "clients perceived our firm as being persona non grata with the Administration."[1]

In other words, even a win in court would not make these firms whole after being subject to the unconstitutional and extortionate assault to which Trump subjected them. The only way to protect the business was to provide Trump with millions of dollars of legal services.

On March 17, 2025, under Trump's orders to look at law firm's diversity, equity, and inclusion ("DEI") policies, the Equal Employment Opportunity Commission ("EEOC") announced investigations of 20 law firms.[2] To preempt potentially punishing executive orders, onerous investigation processes, and the revelation of employee information to a hostile administration, eight firms agreed to give free legal services to cases or issues selected by Trump. *See Perkins Coie*, at *61, 63 (noting that the "Trump White House has publicly touted . . . that those deal-making firms have been spared, or had revoked, an Executive Order targeting them"). These firms include Kirkland & Ellis; Latham & Watkins; Skadden, Arps, Slate, Meagher & Flom; Milbank; Willkie Farr & Gallagher LLP; Simpson Thacher; A&O Shearman; and Cadwalader. In total, the firms are giving Trump nearly $1 billion in legal services to evade the unconstitutional punitive measures that other firms still face.[3] 6 of these firms have U.S. headquarters in New York and all 8 have offices in New York that likely will be expected to provide at least some of these

[1] Lauren Irwin, "Paul Weiss Chair: Trump Order 'Could Easily Have Destroyed Our Firm,' The Hill (Mar. 24, 2025).
[2] Press Release, U.S. Equal Emp't Opportunity Comm'n, EEOC Acting Chair Andrea Lucas Sends Letters to 20 Law Firms Requesting Information About DEI-Related Employment Practices (Mar. 17, 2025), https://www.eeoc.gov/newsroom/eeoc-acting-chair-andrea-lucas-sends-letters-20-law-firms-requesting-information-about-dei.
[3] *See* Jeffrey Toobin, "Trump Has His Law Firms Right Where He Wants Them," N.Y. Times (May 19, 2025); Rebecca Beitsch, "Law Firms Divided Over Response to Trump Orders," The Hill (Mar. 25, 2025); Daniel Barnes, "Major Law Firm Strikes Preemptive Deal with White House," Politico (Mar. 28, 2025).

resources that the firms are now obligated to provide to Trump in order to avoid being subject to punitive, unconstitutional executive orders.

Since entering into these agreements, the law firms have been subject to demands for free legal representation from a number of Trump's allies and conservative, partisan organizations. Trump has made it clear that the firms will be expected to do his bidding, including by defending police officers who are accused of abusing civilians.[4] And firms are also avoiding pro bono issues, clients, or advocacy positions they might have otherwise taken, for fear of further retribution from Trump.[5] To avoid punishing sanctions, the firms have had to compromise their autonomy—their ability to choose clients, causes, and cases that they believe warrant the firm's pro bono representation.

Basis for Criminal Investigation

Larceny by extortion, coercion, and conspiracy to commit either offense are unlawful in New York and punishable as felonies.

Under New York law, larceny by extortion is defined in relevant part as:

> …. Includes a wrongful taking, obtaining or withholding of another's property, with the intent prescribed in subdivision one of this section, committed . . . By extortion. A person obtains property by extortion when he compels or induces another person to deliver such property to himself or to a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: . . .
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> (ii) Cause damage to property; or
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> (iv) Accuse some person of a crime or cause criminal charges or removal proceedings to be instituted against him or her; or
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> (v) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or
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> (vi) Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or
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> …

[4] See Jessical Silver-Greenberg et al, "Trump Allies Look to Benefit from Pro Bono Promises By Elite Law Firms," N.Y. Times (May 25, 2025).
[5] *Id.*

> (ix) Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to such other person's health, safety, business, calling, career, financial condition, reputation or personal relationships . . .

N.Y. Penal Law § 155.05(2)(e).[6] Grand larceny in the first degree occurs when "[t]he value of the property exceeds one million dollars." N.Y. Penal Law § 155.42. "The property obtained through extortion may be intangible property." *United States v. Coppola*, 671 F.3d 220, 235 (2d Cir. 2012), *cert. denied*, 133 S. Ct. 843 (2013); *Mackin v. Auberger*, 59 F. Supp. 3d 528, 548 (W.D.N.Y. 2014).

New York also criminalizes coercion, which in the third degree occurs when someone "compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage . . . by instilling in him or her a fear that, if the demand is not complied with, the actor or another will" harm the victim in some way. N.Y. Penal Law § 135.60.[7] The listed harms substantially track with those identified in the larceny-extortion section, including but not limited to a catch-all component. *See* N.Y. Penal Law § 135.60(9) ("Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his or her health, safety, business, calling, career, financial condition, reputation or personal relationships"). Coercion and larceny by extortion are "parallel crimes. Coercion, in essence, consists of compelling a person by intimidation to engage in or refrain from certain conduct. Extortion is compelling a person by intimidation to turn over property." *People v. Feldman*, 7 Misc. 3d 794, 807, 791 N.Y.W.2d 361, 372-73 (Sup. Ct. 2005) (quoting Donnino, "Practice Commentary" to Penal Law § 135.60, *McKinney's Cons. Law of N.Y.*, Book 39, p. 415 (2004)).

The enumerated predicate acts—the threat accompanying the demand for payment, property, or services—cover a broad set of threats and threatening behavior. This includes "not only threats of physical damage to property, but also threats of economic harm, such as labor shortages." *Colotti v. United States*, 71 F.4th 102, 112 (2d Cir. 2023), *cert. denied*, 144 S. Ct. 2699 (2024) (interpreting subclause (ii) of N.Y. Penal Law § 155.05(2)(e)); *see also People v. Dioguardi*, 8 N.Y.2d 260, 203 N.Y.S.2d 870, 168 N.E.2d 683, 688 (1960) ("It is well-settled law in this State that fear of economic loss or harm satisfies the ingredient of fear

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[6] The Hobbs Act—the federal law criminalizing larceny—is modeled on the New York statute. *See Sekhar v. United States*, 570 U.S. 729, 734 (2013); *Nat'l Elec. Ben. Fund v. Heary Bros. Lightning Prot. Co.*, 931 F. Supp. 169, 188-89 (W.D.N.Y. 1995); *People v Kacer*, 113 Misc.2d 338, 448, N.Y.S. 2d 1002, 1007-08 (Sup. Ct. N.Y. 1982).

[7] Coercion in the second and first degree include elements of sexual and physical violence that are not present here. *See* N.Y. Penal Law § 135.61, 135.65.

necessary to the crime."). Moreover, the law intentionally includes a catchall clause in order to capture a broad range of extortive acts, "'because of the impossibility of comprehensively defining coercive or extortionate conduct by a list of more specific threats.'" *Kovian v. Fulton Cnty. Nat'l Bank & Tr. Co.*, No. 86-cv-154, 1990 WL 36809, at *19 (N.D.N.Y. Mar. 28, 1990) (quoting Staff Notes on the Commission on Revision of the Penal law, Proposed New York Penal Law, McKinney's Spec. Pamph. At p.364 (1964)).

The predicate act need not be itself illegal. "New York courts have long held that an otherwise lawful action may become unlawfully extortionate when it is threatened for the purpose of extracting payment from another person rather than in pursuit of legitimate objectives." *Jackson v. New York Cnty. Ass't Dist. Att'y Seewald*, No. 11-cv-5826-VSB, 2015 WL 14070687, at *5 (S.D.N.Y. Mar. 9, 2015) (collecting cases); *see also People v. Forde*, 153 A.D.2d 466, 472-73, 552 N.Y.S.2d 113, 116-17 (1990) ("Since we do not find any language contained in subsection (ix), which indicates that the words 'any other act' meant that the act threatened must itself be illegal, we further find that the Legislature intended to include otherwise lawful acts within that phrase."). For example, in *Forde*, the court determined that the legal act of enforcing a legal labor contract became a predicate act to extortionate larceny when the defendant "used said contract to threaten to injury [the victim's] business, by informing [the victim] that defendant would not enforce the labor contract upon payment of $2,000.00 to defendant." *Id*. Therefore, even if Trump argues that the predicate executive orders are lawful in whole or in part—which they are not—that is no defense to an extortionate larceny charge where, as here, the executive orders (or the threat of future executive orders) is used to extract payment via free labor from the victim law firms.

The executive orders have visited and threaten to visit a broad range of harms onto law firms against whom Trump has developed personal vendettas because of the firms' viewpoints, advocacy for clients, and hiring practices. Trump has required all government agencies to cut ties with certain law firms, and is pressuring government contractors to similarly cut ties with law firms in order to preserve their own government contracts. By prohibiting these firms from entering government buildings and terminating their security clearance, he is making it impossible for them to carry out business in government buildings, including fulfilling their ability to represent clients in agency hearings; and he is threatening their ability to hire and retain lawyers who wish to practice in government or maintain their security clearances. The only way to avoid these harms is to provide Trump with free legal services. Through this extortion scheme, he has extracted promises of legal services worth nearly $1 billion.

The undisputed facts provide a basis for undertaking an inquiry into whether President Donald Trump[8] and senior Trump officials committed extortion or coercion, conspired to commit extortion or coercion, or attempted to commit extortion or coercion.

Immunity Does Not Preclude Prosecution

The immunity available to federal officials under the Supremacy Clause of the U.S. Constitution is not available in all circumstances and does not preclude criminal investigation and prosecution here.

The Supremacy Clause "is designed to ensure that states do not 'retard, impede, burden, or in any manner control' the execution of federal law." *New York v. Tanella*, 374 F.3d 141, 147 (2d Cir. 2004) (quoting *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819)). It does not, however, wholly shield federal officers from appropriate state criminal proceedings. The Supreme Court set out the appropriate standard for assessing the availability of Supremacy Clause immunity in *Cunningham v. Neagle*: a state may not exercise criminal jurisdiction over a federal agent provided that "he was authorized to [act] by the law of the United States," and that "in doing that act, he did no more than what was necessary and proper for him to do." 135 U.S. 1, 75 (1890); *see also Tanella*, 374 F.3d at 147; *Kentucky v. Long*, 837 F.2d 727, 744 (6th Cir. 1988) ("Under *Neagle*, a state court has no jurisdiction if (1) the federal agent was performing an act which he was authorized to do by the law of the United States and (2) in performing that authorized act, the federal agent did no more than what was necessary and proper for him to do."). To satisfy the second prong, two conditions must be satisfied: (1) the federal officer must "subjectively [believe] that the actions were authorized"; and (2) that belief must be "objectively reasonable under the circumstances." *Battle v. State*, 252 Md. App. 280, 258 A.3d 1009, 1021 (2021) (citing *Long,* 837 F.2d at 744).

Supremacy Clause immunity therefore does not protect federal officers who act outside the law or beyond what is subjectively and objectively necessary and proper. When they do either, they may be held criminally liable in state court for violating state laws. *See, e.g.*, *Battle*, 252 Md. App. at 280 (rejecting Supremacy Clause immunity for a DHS officer who was prosecuted for assaulting a civilian outside the scope of his duties and beyond what was necessary and proper).

If a criminal investigation finds even one of the following—that federal officials lacked legal authority, did not believe their actions were authorized, or could not have reasonably believed so—then state prosecution may proceed. Here,

[8] While the US Supreme Court in *Trump v. United States*, 603 U.S. 593 (2024), held that presidents are entitled to at least presumptive immunity for official acts, larceny by extortion, coercion, and conspiracy to commit either offense cannot be defined as official acts.

neither Trump nor any other official involved in executing the executive orders had legal authority to do so; nor did they have an objectively reasonable belief that the actions were authorized. Indeed, Trump continued to sign executive orders targeting law firms and to threaten law firms *after* a court enjoined his initial attack on Perkins Coie. *Compare Perkins Coie* TRO Order (filed March 12, 2025) *and* E.O. 14237 (Addressing Risks from Paul Weiss) (signed Mar. 14, 2025). Neither Trump nor any other official involved in the scheme can mistake larceny by extortion for a lawful enterprise.

These likely violations of New York state criminal laws warrant investigation and, if appropriate, prosecution. The fact that this conduct involves the President of the United States and senior officials in his administration provides no shield to appropriate investigation and prosecution for criminal acts that do not satisfy the *Neagle* test.

It is true that Trump's scheme may well violate federal criminal statutes, including the Hobbs Act. *See* 18 U.S.C. § 1951(a) (criminalizing extortion, defined as "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right"). But the fact that an offense also violates federal law does not release state law enforcement from its obligations to investigate and prosecute acts that violate state criminal laws. That is particularly true here, where the Department of Justice, the Federal Bureau of Investigation, and other federal law enforcement agencies have been corruptly co-opted by Trump and directly implicated in these schemes. Federal agencies are obligated to investigate federal offenses impartially, but have thus far abdicated their responsibilities in a manner that harms the safety of our people and the stability of our democratic institutions. If local and state authorities also abdicate their civil and criminal enforcement responsibilities, their citizens will be left at the mercy of the criminal whims of federal officials, including Trump and his allies.

As the state of New York demonstrated in its prosecution of Donald Trump for falsifying business records to cover up his hush money payments to an adult film star during his 2016 campaign, *see New York v. Trump*, Verdict Sheet, Indictment No. 71543-23 (Sup. Ct. N.Y. Part 59, May 29, 2024), states have the authority and responsibility to investigate criminal abuses of power and to protect their residents and their laws, regardless of the defendants' wealth, power, prestige, or status as federal officials.

Conclusion

Attorneys and law firms of New York have been broadly targeted by Trump in order to extract millions in free legal services from them. The targeted firms have had to cede their autonomy to Trump and his allies in order to avoid the significant harms that Trump has visited on several law firms and threatens to visit upon more. The consequences are devastating not just for the victim law firms but also for "the American judicial system's fair and impartial administration of justice." *Perkins Coie LLP*, 2025 WL 1276857, at *1. An immediate and thorough criminal investigation is needed to determine whether charges should be brought for larceny by extortion or coercion. We ask your office to promptly undertake this review.

Sincerely,

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