

Sent via mail and email

April 13, 2026

Attorney Grievance Committee for the First Department
Supreme Court, Appellate Division
180 Maiden Lane, 17th Floor
New York, NY 10038
AD1-AGC-newcomplaints@nycourts.gov

Re: Request for Ethics Investigation into Kirkland & Ellis LLP

Dear Attorney Grievance Committee Members and Chief Attorney Jorge Dopico:

Free Speech For People¹ respectfully requests that the Attorney Grievance Committee investigate Kirkland & Ellis LLP (“Kirkland”), located at 601 Lexington Avenue, New York, NY 10022, for violations of New York’s Rules of Professional Conduct arising out of the firm’s decision to enter into negotiations with and to ultimately grant significant concessions to President Donald J. Trump and his associates in order to obtain political favor with the Trump administration. The Committee should include in the scope of its investigation members of the firm’s management committee who participated in agreeing to and satisfying the agreement with President Trump. In entering and taking steps to satisfy an illegal agreement with President Trump, Kirkland and these attorneys likely violated Rule 8.4(a) (violating the rules and inducing other attorneys to do so), Rule 8.4(b) (illegal conduct, including bribery and extortion), and Rule 1.7 (conflicts of interest).

I. BACKGROUND

The relevant facts summarized herein are based solely on publicly available information. Free Speech For People does not claim that the organization, or any individual associated with it, has personal or institutional knowledge of the facts in this matter.

A. Kirkland’s History

Kirkland, founded in 1909, employs more than 4,000 lawyers and is the highest grossing law firm in the world, reaching more than \$10 billion in revenue in

¹ Free Speech For People is a national, non-partisan, nonprofit public interest organization dedicated to challenging government and corporate corruption, and protecting our country’s core democratic principles and our Constitution. Free Speech For People engages in legal advocacy, public education, and organizing in communities across the country. The organization has more than one million supporters nationwide.

2025.² The firm brands itself as “an international law firm that serves a broad range of clients around the world in private equity, M&A and other complex corporate transactions; investment fund formation and alternative asset management; restructurings; high stakes commercial and intellectual property litigation; and white collar and government disputes.”³ It describes itself as “operating ethically and with integrity.”⁴

In 2025, Kirkland reported a total of 137,358 hours of pro bono across its U.S. offices, averaging 41 annual hours per attorney.⁵ The firm has handled pro bono matters related to LGBTQ advocacy, immigration, voting rights, and veterans support.⁶ The firm prides itself on handling high-profile matters since its early days:

Whether it was taking on Henry Ford’s libel suit against the Tribune, fighting Chicago Mayor “Big Bill Thompson” as part of political reform or underwriting the cost of press freedom in the landmark *Near v. Minnesota* case in the U.S. Supreme Court, our lawyers have delivered outstanding results, under great pressure, time and again.⁷

In one of its most high profile victories, Kirkland devoted 12 years and more than 38,000 pro bono hours to representing a coalition of students, faculty, and alumni of Maryland’s four public historically black colleges and universities (HBCUs) that sued Maryland for maintaining a segregated higher education system, and in 2021, the firm won a \$577 million settlement.⁸ Kirkland donated the \$12.5 million it received in legal fees from that case to seven HBCUs and civil rights organizations.⁹

² *Kirkland History*, Kirkland & Ellis LLP, <https://www.kirkland.com/content/kirkland-history> (last visited Apr. 8, 2026) [hereinafter *Kirkland History*]; Amanda Robert, *Kirkland holds steady as world’s highest-grossing firm*, ABA J. (Mar. 19, 2026),

<https://www.abajournal.com/news/article/kirkland-holds-steady-as-worlds-highest-grossing-firm>.

³ *About Kirkland*, Kirkland & Ellis LLP, <https://www.kirkland.com/content/about-kirkland> (last visited Apr. 9, 2026).

⁴ *Id.*

⁵ *The 2025 survey of pro bono hours*, Chambers Associate, <https://www.chambers-associate.com/law-firms/pro-bono-hours> (last visited Apr. 9, 2026).

⁶ *Pro Bono Firm of 2015: Kirkland & Ellis*, Kirkland & Ellis LLP, <https://www.kirkland.com/-/media/news/press-mention/2015/09/pro-bono-firm-of-2015-kirkland--ellis/law360-pro-bono-firm-of-2015-sept-2015.pdf> (reprinted Law360 article, last visited Apr. 8, 2026); *2015 Pro Bono Achievements*, Kirkland & Ellis LLP, https://www.kirkland.com/files/Pro_Bono_2015_Digital.pdf (last visited Apr. 8, 2026); *Support for Veterans*, Kirkland & Ellis LLP, <https://www.kirkland.com/-/media/marquee-stories/pdfs/support-for-veterans-csr.pdf> (last visited Apr. 8, 2026).

⁷ *Kirkland History*, *supra* note 2.

⁸ *Historic Settlement Opens Doors for HBCUs*, Kirkland & Ellis LLP, <https://www.kirkland.com/marquee-stories/social-commitment/pro-bono/historic-win-for-equal-education> (last visited Apr. 8, 2026).

⁹ *Id.*

B. President Trump's Attacks on Law Firms

Early in his second term, President Trump began to unlawfully subject large law firms to punitive orders and baseless agency investigations. On February 25, 2025, he suspended the security clearances of Covington & Burling, LLP employees and ordered government agencies to evaluate their contracts with the firm, because it had represented Jack Smith. Memorandum on Suspension of Security Clearances and Evaluation of Government Contracts, 2025 Daily Comp. Pres. Doc. 303 (Feb. 25, 2025).¹⁰ On March 6, 2025, President Trump issued a blatantly unlawful executive order against Perkins Coie LLP that subjected the firm and its clients to punitive sanctions by the administration. Exec. Order 14230, 90 Fed. Reg. 11781 (Mar. 6, 2025). The executive order accused Perkins Coie of “dishonest and dangerous activity” for undertaking lawful legal actions, properly defending its clients in court, and committing to fair and diverse hiring practices. The executive order unlawfully ordered the suspension of firm attorneys’ security clearances, prohibited firm employees from entering government buildings, required all government contractors to disclose business with the firm, subjected their government contracts to agency review, prohibited agency officials from hiring employees of Perkins Coie, and ordered the Equal Employment Opportunity Commission (“EEOC”) to investigate the firm, all in an effort to punish the firm, its attorneys, and its clients, and to undermine the firm’s business relationships.

Perkins Coie immediately challenged the order in court and won an early and decisive victory in less than a week, obtaining a temporary restraining order on March 12, 2025. Perkins Coie obtained a permanent injunction against the order against it on May 2, 2025.¹¹ *Perkins Coie LLP v. U.S. Dep’t of Justice*, Order No. CV 25-716 (BAH) (Mar. 12, 2025) [hereinafter *Perkins Coie TRO Order*]; *Perkins Coie LLP v. U.S. Dep’t of Just.*, 783 F. Supp. 3d 105, 105 (D.D.C. 2025), *appeal docketed*, No. 25-5241 (D.C. Cir. July 2, 2025) [hereinafter *Perkins Coie D.D.C. Opinion*].

Despite the March 12 ruling, President Trump continued to issue orders against other law firms. These include Paul, Weiss, Rifkind, Wharton & Garrison LLP; Jenner & Block LLP; Wilmer Cutler Pickering Hale and Dorr LLP

¹⁰ Covington did not litigate to block the order nor negotiate with President Trump; the firm continued to represent Jack Smith. Kelsey Walsh, *Trump signs executive action targeting law firm representing former special counsel Jack Smith*, ABC News (Feb. 25, 2025), <https://abcnews.com/Politics/trump-signs-executive-action-targeting-law-firm-representing/story?id=119190846>.

¹¹ In her May 2, 2025 ruling, Judge Howell of the District Court of the District of Columbia, issued a sharp rebuke of the Trump 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 D.D.C. Opinion*, 783 F. Supp. 3d at 118.

(“WilmerHale”); and Susman Godfrey LLP. *See* Exec. Order No. 14237, 90 Fed. Reg. 13039 (Mar. 14, 2025) (Addressing Risks from Paul Weiss); Exec. Order 14246, 90 Fed. Reg. 13997 (Mar. 25, 2025) (Addressing Risks from Jenner & Block); Exec. Order 14250, 90 Fed. Reg. 14549 (Mar. 27, 2025) (Addressing Risks from WilmerHale); Exec. Order 14263 90 Fed. Reg. 15615 (Apr. 9, 2025) (Addressing Risks from Susman Godfrey). He also threatened to issue more orders. *See Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 156.¹² Jenner & Block, WilmerHale, and Susman Godfrey all sued, and like Perkins Coie, all three obtained swift court orders to block those orders.¹³ In fact, it only took two hours for Susman Godfrey attorneys to unanimously agree to fight the executive order in court.¹⁴ Paul Weiss entered into negotiations with President Trump and ultimately agreed to provide President Trump and his allies with valuable services and made significant concessions regarding the firm’s practices in order to obtain rescission of the order.¹⁵

The executive orders against law firms were blatantly unconstitutional. All four federal judges who ruled on the court challenges brought by the law firms unanimously held that the executive orders violated the First Amendment protections against retaliation for protected expression and viewpoint discrimination.¹⁶ Those executive orders were also variably found to violate the

¹² Under Trump’s orders to look at law firm’s diversity, equity, and inclusion policies, the Equal Employment Opportunity Commission (EEOC) also announced baseless investigations of twenty law firms. 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>.

¹³ Zach Montague, *Judge Strikes Down Trump Order Targeting Another Top Law Firm*, N.Y. Times (June 27, 2025), <https://www.nytimes.com/2025/06/27/us/politics/trump-susan-godfrey-law-firm-order.html>. The Justice Department filed a motion to dismiss its appeal of the law firm cases, but then abruptly reversed itself. Josh Dawsey, C. Ryan Barber & Sadie Gurman, *Trump Ordered Justice Department Reversal on Law Firm Sanctions*, Wall St. J. (Mar. 11, 2026), <https://www.wsj.com/politics/policy/trump-ordered-justice-department-reversal-on-law-firm-sanctions-f137f164>. On March 16, 2026, the appeals court granted the Justice Department’s request to withdraw the motion, allowing the appeals to remain pending. Kaelan Deese, *Court allows DOJ to proceed with appeal over law firm executive orders*, Wash. Exam’r (Mar. 16, 2026), <https://www.washingtonexaminer.com/news/justice/4493511/court-allows-doj-proceed-appeal-law-firm-executive-orders>.

¹⁴ Jack Newsham & Jacob Shamsian, *Donald Trump went after one of America’s top law firms. Its decision to fight back took just two hours.*, Bus. Insider (Apr. 27, 2025), <https://www.businessinsider.com/donald-trump-big-law-executive-orders-decisions-damage-2025-4>.

¹⁵ Daniel Barnes, *White House strikes deal with major law firm to lift sanctions*, Politico (Mar. 20, 2025), <https://www.politico.com/news/2025/03/20/white-house-law-firm-sanctions-026866>;

¹⁶ *Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 150-65; *Susman Godfrey LLP v. Exec. Off. of President*, 789 F. Supp. 3d 15, 41-48 (D.D.C. 2025), *appeal docketed*, No. 25-5310 (D.C. Cir. Aug. 26, 2025) [hereinafter *Susman Godfrey* D.D.C. Opinion]; *Wilmer Cutler Pickering Hale & Dorr LLP v. Exec. Off. of President*, 784 F. Supp. 3d 127, 150-52 (D.D.C. 2025), *amended sub nom. Wilmer Cutler Pickering Hale & Dorr LLP v. Exec. Off. of the President*, No. CV 25-917 (RJL), 2025 WL 2105262 (D.D.C. June 26, 2025), *appeal docketed*, No. 25-5277 (D.C. Cir. July 28, 2025) [hereinafter *WilmerHale* D.D.C. Opinion]; *Jenner & Block LLP v. U.S. Dep’t of Just.*, 784 F. Supp. 3d 76, 93-113 (D.D.C. 2025), *appeal docketed*, No. 25-5265 (D.C. Cir. July 22, 2025).

First Amendment freedom of association and the right to petition the government¹⁷; the Fifth Amendment’s right to procedural due process¹⁸ and equal protection,¹⁹ prohibition against vague laws,²⁰ and right to counsel²¹; the Sixth Amendment’s right to counsel²²; and the separation of powers embedded in the structure of the Constitution.²³

These executive orders were not the only means by which Trump attempted to punish or undermine law firms. On March 17, 2025, the Equal Employment Opportunity Commission (EEOC) initiated a sweeping investigation into twenty law firms, including Kirkland.²⁴ The EEOC demanded personal information about each firm’s employees and job applicants, along with detailed information about each firm’s clients.²⁵ And on March 22, 2025, Trump ordered then-Attorney General Bondi to “review conduct” by and pursue sanctions and disciplinary actions against attorneys who bring lawsuits against his administration.²⁶

¹⁷ *Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 165-66, 171-74; *Susman Godfrey* D.D.C. Opinion, 789 F. Supp. 3d at 48-49; *WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 155-59.

¹⁸ *Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 171-74; *Susman Godfrey* D.D.C. Opinion, 789 F. Supp. 3d at 49-51; *WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 163-64.

¹⁹ *Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 166-68; *Susman Godfrey* D.D.C. Opinion, 789 F. Supp. 3d at 52-53; *contra WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 166-67.

²⁰ *Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 174-77; *Susman Godfrey* D.D.C. Opinion, 789 F. Supp. 3d at 51-52; *WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 164-66.

²¹ *Perkins Coie* D.D.C. Opinion, 783 F. Supp. 3d at 168-71; *Susman Godfrey* D.D.C. Opinion, 789 F. Supp. 3d at 53-54; *contra WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 167-68.

²² *Perkins Coie* D.D.C. Opinion, at 783 F. Supp. 3d 168-71; *WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 169-170.

²³ *Susman Godfrey* D.D.C. Opinion, 789 F. Supp. 3d at 54-55; *WilmerHale* D.D.C. Opinion, 784 F. Supp. 3d at 159-61.

²⁴ 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>. Several law students sued to block the investigations, which concluded with a settlement in February 2026, in which the EEOC conceded that its requests for information were “voluntary, that compliance was not mandatory, and that most law firms did not provide any of the requested information.” Emilie Shumway, *Legal group claims victory after EEOC ‘retreated’ on law firm DEI letters*, HR Dive (Feb. 10, 2026), <https://www.hrdiver.com/news/eeoc-law-firms-end-lawsuit-dei-practices/811860>; Stipulation of Dismissal, at 1, *Doe 1 v. Equal Emp’t Opportunity Comm’n*, No. 1:25-cv-01124-RBW (D.D.C. Feb. 9, 2026), Doc. 43.

²⁵ Letter from William E. White & William J.F. Roll III, Co-US General Counsels of A&O Shearman, to Rep. Yassamin Ansari (AZ-03) et al. (May 8, 2025), available at <https://abovethelaw.com/2025/05/trumps-biglaw-bootlickers-letters-to-congress/2> (“The EEOC inquiry posited that prevailing historical law firm DEI practices may have violated federal anti-discrimination laws and sought extensive information related to those practices. The EEOC’s demands also included detailed personal information regarding the Firm’s employees and applicants for attorney roles at the Firm, as well as extensive information related to the Firm’s clients.”).

²⁶ Tatyana Monnay, *Trump’s New Attack on Attorneys Draws Rebuke From Two Law Firms*, Bloomberg Law (Mar. 24, 2025), <https://news.bloomberglaw.com/business-and-practice/trumps-new-attack-on-attorneys-draws-rebuke-from-two-law-firms>.

C. Kirkland's Deal with President Trump

President Trump never issued an executive order targeting Kirkland; the firm was officially subject only to the March 17, 2025 EEOC investigation. Shortly thereafter, Kirkland hired lobbyist Ballard Partners, founded by a top fundraiser for President Trump, for “advice related to employment practices.”²⁷ Then on April 11, 2025, it reached a deal with President Trump, apparently in coordination with Latham & Watkins LLP, Allen Overy Shearman Sterling LLP, and Simpson Thacher & Bartlett LLP.²⁸

As part of this deal, as announced by President Trump on his Truth Social account, Kirkland agreed to provide \$125 million in pro bono legal services towards President Trump's preferred initiatives and clients, “during the Trump administration and beyond.”²⁹ It also agreed to “take on a wide range of pro bono matters that represent the full political spectrum, including Conservative ideals”; refrain from denying representing clients based on political views; and to “not engage in illegal DEI discrimination and preferences.” In announcing this deal, Trump specifically confirmed that the EEOC had withdrawn its March 17 letter to the firm and would not be investigating the claims therein any further.³⁰

These funds were not disbursed to the government—they were not fines or formal remedies and indeed they could not be: none of the firms' disfavored conduct warranted sanction and the orders themselves were blatantly unconstitutional. President Trump himself later stated that these firms had done “nothing wrong.”³¹ Instead, these were tailored offerings of service to President Trump and his allies, providing President Trump with political and personal benefits in order to extract specific government action and favor. President 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.³² His understanding of what type of “pro bono” the

²⁷ Kathryn Rubino, *Kirkland And Simpson Turned To Major Trump Fundraiser Before Bending A Knee*, Above the Law (Apr. 24, 2025), <https://abovethelaw.com/2025/04/kirkland-and-simpson-turned-to-major-trump-fundraiser-before-bending-a-knee>; Veronica Riccobene, *Ballard Partners Is the Lobbyist King of the Trump Era*, Jacobin (Aug. 11, 2025), <https://jacobin.com/2025/08/ballard-lobbying-trump-crypto-regulation>.

²⁸ Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025 at 12:21PM), <https://truthsocial.com/@realDonaldTrump/posts/114320245355397433> [hereinafter *Trump Post 1*]; Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025 at 12:21PM), <https://truthsocial.com/@realDonaldTrump/posts/114320244770957852> [hereinafter *Trump Post 2*].

²⁹ *Trump Post 1*, *supra* note 28; *Trump Post 2*, *supra* note 28. In the same posts, President Trump announced deals with Allen Overy Shearman Sterling LLP, Simpson Thacher & Bartlett LLP, and Latham & Watkins LLP for the same amount from each firm.

³⁰ *Trump Post 1*, *supra* note 28; *Trump Post 2*, *supra* note 28.

³¹ Associated Press, *LIVE: Trump signs executive orders aimed at boosting coal*, YouTube (Apr. 8, 2025), <https://www.youtube.com/watch?v=k66iBAeQwEk> (at 31:40).

³² Jessica Silver-Greenberg et al., *Trump Allies Look to Benefit from Pro Bono Promises By Elite Law Firms*, N.Y. Times (May 25, 2025), <https://www.nytimes.com/2025/05/25/business/trump-law-firms-pro-bono.html>.

firms would provide him included representing the administration on trade deals and representing him in a personal capacity.³³

Kirkland claimed in an firmwide email announcing the deal that, “We made the decision to pursue this solution because at our very core our mission is to support our people and our clients, and this agreement does both.”³⁴ Yet, several associates at the firm resigned in protest, some publicly.³⁵ Jacqui Pittman, a second-year associate, stated in her resignation, “I can no longer be complacent or ignore the truth of what’s happening for the sake of temporary comfort.”³⁶ Maggie Hagen said in a LinkedIn post, “When law firms yield to political pressure, it compromises the independence of our profession and threatens our ability to zealously advocate for our clients.”³⁷

It appears that Kirkland has taken specific steps to satisfy the terms of the agreement, though the precise terms of the settlement remain undisclosed. Kirkland has reportedly provided free legal work to the Commerce Department to help negotiate trade deals with Japan and South Korea.³⁸ It may be providing free legal services to more than one government agency.³⁹ Law firms that reached deals with President Trump have been broadly subject to demands for free legal representation from President Trump’s allies and conservative, partisan organizations.⁴⁰ It is not yet known what other clients the firm has taken on in

³³ Michael S. Schmidt & Maggie Haberman, *Law Firms That Settled With Trump Are Asked to Help on Trade Deals*, N.Y. Times (Aug. 13, 2025), <https://www.nytimes.com/2025/08/13/us/politics/trump-law-firms-trade-deals.html>; Michael S. Schmidt, Matthew Goldstein & Maggie Haberman, *Two Big Law Firms Said to be Doing Free Work for Trump Administration*, N.Y. Times (Aug. 20, 2025), <https://www.nytimes.com/2025/08/20/us/politics/law-firms-free-work-trump-administration.html>.

³⁴ Taylor Telford & Naftali Bendavid, *As firms bend to Trump, some workers say no*, Wash. Post (Apr. 19, 2025), <https://www.washingtonpost.com/politics/2025/04/19/trump-law-firms-colleges-pressure>.

³⁵ Kathryn Rubino, *The Kirkland Exodus Is Picking Up Steam*, Above the Law (Apr. 25, 2025), <https://abovethelaw.com/2025/04/the-kirkland-exodus-is-picking-up-steam>.

³⁶ Jacqui Pittman, LinkedIn (Apr. 12, 2025), <https://www.linkedin.com/posts/jacqueline-pittman-yesterday-evening-i-formally-resigned-from-share-7316927714035146752-zo-f>. Paul Blumenthal, *How A Few Law Associates Revealed The Power Of Resigning From Firms That Cut Deals With Trump*, Huff Post (May 12, 2025), https://www.huffpost.com/entry/donald-trump-law-firm-resign_n_6822471de4b0abb58358aa6f.

³⁷ Maggie Hagen, LinkedIn, Apr. 2025, <https://www.linkedin.com/posts/maggie-hagen-9b7673a4-one-week-ago-i-made-the-decision-to-resign-share-7320836399534952449-pYIb>.

³⁸ Schmidt, Goldstein & Haberman, *supra* note 33; Erin Mulvaney, C. Ryan Barber & Jess Bravin, *Pro Bono or Pro Nono? Law Firms Split on Fulfilling Deals With Trump*, Wall St. J. (Aug. 14, 2025), <https://www.wsj.com/politics/policy/trump-pro-bono-law-firms-1402b772>.

³⁹ Letter from W. Neil Eggleston, Kirkland & Ellis LLP, to Senator Richard Blumenthal, Representative Jamie Raskin & Senator Adam Schiff (October 7, 2025), available at <https://www.schiff.senate.gov/wp-content/uploads/2026/03/Kirkland-Ellis-Response-October-07-2025.pdf> (“Your letter raises a number of legal issues in connection with *legal work the firm performs without pay for government agencies* pursuant to the Agreement.” [Emphasis added.]).

⁴⁰ Silver-Greenberg et al., *supra* note 32; Justin Henry, *Heritage-Linked Group Says Big Law Replying to Its Pro Bono Asks*, Bloomberg Law (May 14, 2025),

satisfaction of its promise of \$125 million in legal services, nor what attorneys have been negatively affected by its revised hiring practices, nor what clients it has declined to take on to satisfy the full terms of the deal. When members of Congress have repeatedly asked Kirkland to provide more information about the deal and its satisfaction, Kirkland has reiterated that it is “comfortable” with the deal and refused to provide any actual details.⁴¹

To date, Kirkland has not released any public statement disavowing its deal with President Trump.

II. VIOLATIONS OF THE NEW YORK RULES OF PROFESSIONAL CONDUCT

New York’s Rules of Professional Conduct governs all attorneys who are licensed in New York, including many, if not all, of the managing partners who entered into negotiations with and ultimately made concessions to President Trump (by and through his close advisors or attorneys) in order to obtain rescission of an unlawful and punitive EEOC investigation by the Trump administration and avoid the issuance of a punitive executive order against Kirkland. These ethical requirements stand as a cornerstone of the profession, inextricably linked to justice and the rule of law. These violations not only have had wide-ranging consequences for Kirkland attorneys, clients, and potential clients, but also for the practices of large law firms in this country; a recent study by Reuters suggests that law firms across the board have changed their practices and agendas in the aftermath of these deals with President Trump.⁴²

The conduct of Kirkland and other attorneys on its management committee, in reaching and then satisfying the terms of the deal appear to have violated several of New York’s Rules of Professional Conduct.

<https://news.bloomberglaw.com/business-and-practice/heritage-linked-group-says-big-law-replying-to-its-pro-bono-asks>.

⁴¹ Press Release, Senator Adam Schiff, Senator Richard Blumenthal, Representative Jamie Raskin, *NEWS: Sens. Schiff, Blumenthal, and Rep. Raskin Probe Involvement of Notorious Trump Fixer’s Role in Brokering Deals Between Kirkland & Ellis and Trump Administration*, <https://www.schiff.senate.gov/news/press-releases/news-sens-schiff-blumenthal-and-rep-raskin-probe-involvement-of-notorious-trump-fixers-role-in-brokering-deals-between-kirkland-ellis-and-trump>; Meghan Tribe, *Kirkland Pressed by Democrats on Epshteyn’s Role in Trump Deal*, Bloomberg Law (Mar. 2, 2026), <https://news.bloomberglaw.com/business-and-practice/kirkland-pressed-by-democrats-on-epshteyns-role-in-trump-deal>.

⁴² Mike Spector et al., *How Trump’s crackdown on law firms is undermining legal defenses for the vulnerable*, Reuters (July 31, 2025), <https://www.reuters.com/investigations/trumps-war-big-law-leads-firms-retreat-pro-bono-work-underdogs-2025-07-31>.

A. Rule 8.4(b)—Illegal Conduct

Rule 8.4, which governs attorney misconduct, states that a lawyer or law firm shall not “(b) engage in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer.”

A criminal conviction or trial outside of disciplinary proceedings is not required in order to find that an attorney violated their ethical obligations.⁴³ Rule 8.4 has been used to discipline an attorney in the absence of a conviction,⁴⁴ though it is often combined with other rules to suspend or disbar an attorney.⁴⁵ Here, Kirkland likely violated prohibitions against bribery and extortion by entering an illegal agreement with President Trump, and they later may have violated the Antideficiency Act by providing free services to the federal government in fulfilling their illegal agreement.

Bribery of a public official is prohibited by 18 U.S.C. § 201(b)(1). President Trump’s decisions to issue, not issue, or withdraw executive orders and his directives to subordinates to take specific actions, constitute official acts.⁴⁶ The promises made by Kirkland constitute the *quid pro quo* element of federal bribery laws—namely the acceptance of a “thing of value in exchange for official action.” *United States v. Terry*, 707 F.3d 607, 614 (6th Cir. 2013). Though individuals and organizations routinely negotiate settlements with federal prosecutors and regulatory agencies, Kirkland’s deal was not a typical “settlement” of legal claims by any measure. The deal primarily provided personal and political benefit to President Trump, did not involve the typical agency personnel or review processes. The agreement does not appear to have been in writing. And there is no official investigation or case that has been laid to rest by the agreements—which means nothing prevents President Trump from releasing another executive order to encourage more “deals.”

Extortion is unlawful pursuant to the Hobbs Act. 18 U.S.C. § 1951. Individuals who pay an extortion demand may be criminally liable for aiding or abetting a public official in committing extortion. 18 U.S.C. § 2(a) (“Whoever commits an offense against the United States or aids, abets, counsels, commands,

⁴³ See *Matter of Linn*, 79 N.Y.S.3d 182, 183 (N.Y. App. Div. 2018) (involving Rules 1.2(d), 1.7(a)(2), and 8.4(b) and (h) where an attorney purchased heroin from a client); *Matter of Cassidy*, 118 N.Y.S.3d 35, 36 (N.Y. App. Div. 2020) (involving rules 1.2(d), 1.15(b)(1), 1.15(d)(1) and (2), 1.15(e), 1.8, 8.4(c), and 8.4(h) in a case involving misuse of escrow accounts, false testimony, and failure to maintain required bookkeeping records).

⁴⁴ See, e.g., *Matter of Schneiderman*, 144 N.Y.S.3d 436, 438-40 (ordering one year suspension for an attorney who admitted to verbal and emotional abuse and unwanted physical contact with women).

⁴⁵ See, e.g., *Matter of Giuliani*, 214 N.Y.S.3d 366, 375-81 (citing multiple rules, including Rule 8.4(b), as a basis for disbarment); *Matter of Braccini*, 195 N.Y.S.3d 560, 562 (N.Y. App. Div. 2023) (same).

⁴⁶ See *McDonnell v. United States*, 579 U.S. 550, 578 (2016) (holding that for purposes of construing § 201, an “official act” requires that “the public official must make a decision or take an action” on “something specific and focused that is ‘pending’ or ‘may by law be brought’” before a public official”).

induces or procures its commission, is punishable as a principal”); *see, e.g., United States v. Torcasio*, 959 F.2d 503, 505 n.1 (4th Cir. 1992), amended, 993 F.2d 368 (4th Cir. 1993). Kirkland promised \$125 million towards President Trump’s favored causes “with the expectation of obtaining favorable action,” *Torcasio*, 959 F.2d at 506, specifically rescission of the EEOC investigation and the withholding of a potential executive order against the firm. The promise therefore likely constitutes extortion by President Trump and his associates. Though Kirkland may claim that it cannot be party to its own extortion, the U.S. Supreme Court has previously found a payor guilty of conspiring to commit Hobbs Act extortion under 18 U.S.C. § 371, the general federal conspiracy statute. *Ocasio v. United States*, 578 U.S. 282, 287-292 (2016); *see also, United States v. Nelson*, 486 F. Supp. 464, 486 (W.D. Mich. 1980) (“... a payor of money which has been extorted ‘under color of official right’ in violation of the Hobbs Act, can, in certain cases, be charged under 18 U.S.C. § 2(a) with aiding and abetting that crime.”). Kirkland’s agreement with President Trump was voluntary. Kirkland had other, lawful options, as demonstrated by the other prominent firms who chose to fight the blatantly unconstitutional executive orders—which had yet to be even issued against Kirkland—and the law students who had the courage to fight the EEOC investigations and extract a clear statement that compliance with those investigations was voluntary. And the services given in exchange for political favor were for President Trump’s political and personal benefit, not in the public interest.

The Antideficiency Act prohibits any officer or employee of the U.S. government from accepting voluntary services on behalf of the government except in very limited circumstances. 31 U.S.C. §§ 1341-1342, 1511-1519. Kirkland has reportedly provided free legal services to the Commerce Department and possibly other government agencies, which may violate the Antideficiency Act unless it is shown that its services are authorized pursuant to one of the law’s exceptions, *see* 5 U.S.C. § 3109 (permitting experts and consultants to serve without compensation with a written record of the agreement or as authorized by statute).

Conduct that violates these criminal laws “adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer,” in violation of Rule 8.4(b).

B. Rule 1.7(a)(2)—Conflicts of Interest

Per N.Y. RPC 1.7(a)(2), a lawyer shall not represent a client if “there is a significant risk that the lawyer’s professional judgment on behalf of a client will be adversely affected by the lawyer’s own financial, business, property or other personal interests.”

In acquiescing to President Trump’s demands, Kirkland has now created unavoidable conflicts of interests as the firm seeks to avoid cases and causes that might go against the Trump administration’s preferences. Much of the litigation handled by Kirkland has historically been against the federal government or for

causes that President Trump may not agree with. Therefore, the agreement likely constitutes a “material limitation on the firm’s representation of a vast array of clients in civil litigation, transactional, and advisory matters.” N.Y. RPC 1.7(a)(2).

N.Y. RPC 1.7(b) contains exceptions permitting a lawyer to represent an affected client if they obtain their informed consent. However, the exact contours of the agreements between the law firms, including Kirkland, and President Trump appear to be vague and unspecific.⁴⁷ Further, those deals, rather than foreclosing further meddling from the Trump administration, appear to open the door to ongoing dialogue, oversight, and approval of law firm activities from the Trump administration as part of the deals’ enforcement. It is hard to conceive how any client would ever be able to provide truly informed consent to such an amorphous, evolving conflict of interest. It is even less conceivable if the affected clients are low-resource individuals and communities, the traditional recipients of legal pro bono efforts.

C. Rule 8.4(a)—Rules Violation and Inducement

N.Y. RPC 8.4(a) states that a law firm shall not “violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.” In violating Rules 8.4(b) and 1.7(a)(2), Kirkland and its decision-making attorneys have violated the Rules of Professional Conduct, triggering a violation of Rule 8.4(a). In addition, by making this agreement on behalf of the firm, Kirkland may have created scenarios where attorneys in its employ are induced to violate the Rules of Professional Conduct by participating in the satisfaction of the illegal agreement Kirkland made with President Trump.

III. CONCLUSION

For the reasons set forth above, Free Speech For People respectfully requests that the Attorney Grievance Committee take the following actions: first, that it open an investigation into whether Kirkland has violated the New York Rules in making and satisfying its deal with President Trump; and second, that it take appropriate action if warranted by the evidence gathered in the investigation, including, but not limited to, ordering Kirkland to cease and desist its satisfaction of the commitments it made to President Trump. As part of this investigation, the Committee should explore and appropriately sanction specific attorneys at Kirkland who were instrumental in facilitating the deal with President Trump.

⁴⁷ Carrie Johnson, *Trump’s deals with law firms are like deals ‘made with a gun to the head,’ lawyers say*, NPR (May 31, 2025), <https://www.npr.org/2025/05/31/nx-s1-5406173/trump-deals-law-firms>.

In failing to uphold their ethical obligations, Kirkland and other attorneys in its management committee have violated the expectations of a member of the New York Bar. Because of the serious nature of the conduct involved, we request that the Committee act with urgency.

Sincerely,

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