

*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](mailto:AD1-AGC-newcomplaints@nycourts.gov)

Re: Request for Ethics Investigation into Skadden, Arps, Slate, Meagher & Flom LLP

Dear Attorney Grievance Committee Members and Chief Attorney Jorge Dopico:

Free Speech For People<sup>1</sup> respectfully requests that the Attorney Grievance Committee investigate Skadden, Arps, Slate, Meagher & Flom LLP (“Skadden”), located at One Manhattan West, New York, NY 10001, 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 and avoid becoming subject to a punitive and illegal executive order. The Committee should include in the scope of its investigation executive partner Jeremy D. London and members of the 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, Skadden 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.

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<sup>1</sup> 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.

## A. Skadden’s History

Skadden, founded in 1948 and headquartered in New York,<sup>2</sup> employs more than 1,700 lawyers and is one of the highest grossing law firms in the world, with numerous practice groups.<sup>3</sup> In 2024, its revenue was over \$3.6 billion and it continues to have a large pro bono practice.<sup>4</sup> It was a charter signatory of the Law Firm Pro Bono Challenge,<sup>5</sup> which committed the firm and its lawyers to undertaking pro bono activities.<sup>6</sup> In 1988, it founded the Skadden Fellowship Foundation, which is intended to fund two-year fellowships for recent law graduates “to pursue the practice of public interest law on a full-time basis,” to “address unmet civil legal needs of people living in poverty in the US.”<sup>7</sup>

## B. Skadden’s Deal with Trump

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).<sup>8</sup> 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

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<sup>2</sup> *About the Firm: Overview*, Skadden, Arps, Slate, Meagher & Flom LLP, <https://www.skadden.com/about/overview> (last visited Apr. 3, 2026).

<sup>3</sup> *Skadden Ranking Summary*, Law.com, <https://www.law.com/compass/firm/LF00001075/Skadden/overview> (last visited Apr. 3, 2026) (citing the National Law Journal’s 2025 NLJ 500 firm ranking).

<sup>4</sup> *Id.*

<sup>5</sup> *About the Firm: Pro Bono*, Skadden, Arps, Slate, Meagher & Flom LLP, <https://www.skadden.com/about/pro-bono/overview> (last visited Apr. 3, 2026).

<sup>6</sup> Per the Challenge’s Statement of Principles, pro bono is defined as the provision of free legal services “to persons of limited means,” to organizations that serve the needs of such persons, or to parties “seeking to secure or protect human rights, civil rights, civil liberties, public rights or environmental rights,” or to “charitable, religious, civic, community, governmental, or educational organizations in matters in furtherance of their organizational purposes, where payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate.” *Law Firm Pro Bono Challenge Statement of Principles*, Pro Bono Institute, <https://www.probonoinst.org/wp-content/uploads/%E2%80%8Ewww.probonoinst.org/wp-content/uploads2023-Law-Firm-Challenge-Statement-of-Principles-FINAL-1.pdf> (last visited Apr. 3, 2026).

<sup>7</sup> *About the Foundation*, Skadden Foundation, <https://www.skaddenfellowships.org/about> (last visited Apr. 3, 2026).

<sup>8</sup> 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>.

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.<sup>9</sup> *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*]; *Perkins Coie LLP v. U.S. Dep’t of Justice*, Order No. CV 25-716 (BAH) (Mar. 12, 2025) [hereinafter *Perkins Coie TRO Order*].

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 (“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.<sup>10</sup> Jenner & Block, WilmerHale, and Susman Godfrey all sued, and like Perkins Coie, all three obtained swift court orders to block those orders.<sup>11</sup> In fact, it only took two hours for Susman Godfrey

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<sup>9</sup> 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.

<sup>10</sup> 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>.

<sup>11</sup> 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

attorneys to unanimously agree to fight the executive order in court.<sup>12</sup> 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.<sup>13</sup>

The executive orders are blatantly unconstitutional. The four judges who have ruled on the four court challenges brought by these law firms have unanimously held that the executive orders violated the First Amendment protections against retaliation for protected expression and viewpoint discrimination.<sup>14</sup> The executive orders were also variably found to violate the First Amendment freedom of association and the right to petition the government<sup>15</sup>; the Fifth Amendment's right to procedural due process<sup>16</sup> and equal protection,<sup>17</sup> prohibition against vague laws,<sup>18</sup> and right to counsel<sup>19</sup>; the Sixth Amendment's

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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>.

<sup>12</sup> 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>.

<sup>13</sup> 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>;

<sup>14</sup> *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).

<sup>15</sup> *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.

<sup>16</sup> *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.

<sup>17</sup> *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.

<sup>18</sup> *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.

<sup>19</sup> *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.

right to counsel<sup>20</sup>; and the separation of powers embedded in the structure of the Constitution.<sup>21</sup>

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 Skadden.<sup>22</sup> The EEOC demanded personal information about each firm's employees and job applicants, along with detailed information about each firm's clients.<sup>23</sup> 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.<sup>24</sup>

President Trump never issued an executive order targeting Skadden. However, according to a firm-wide email sent by Mr. London, in late March the firm learned that President Trump intended to issue an order.<sup>25</sup> By that time, the Perkins Coie executive order had already been temporarily enjoined.

Despite this ruling, which established the unconstitutionality and illegality of the orders and blocked them from going into effect, Skadden decided to preemptively negotiate with President Trump, directly or by and through his advisors and negotiators, becoming the first law firm to do so.<sup>26</sup> It retained two close

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<sup>20</sup> *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.

<sup>21</sup> *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.

<sup>22</sup> 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." 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; see also 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>.

<sup>23</sup> 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.").

<sup>24</sup> 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>.

<sup>25</sup> Daniel Barnes, *Major Law Firm Strikes Preemptive Deal with White House*, Politico (Mar. 28, 2025), <https://www.politico.com/news/2025/03/28/skadden-arps-trump-law-deal-028324>; Exec. Order 14244, 90 Fed. Reg. 13685 (Mar. 21, 2025).

<sup>26</sup> Barnes, *supra* note 25.

Trump allies as lobbyists—specifically top Trump fundraiser Jeff Miller and Stefan Passantino, who served as deputy White House counsel during President Trump’s first term.<sup>27</sup> On March 28, 2025—the same day that the Jenner & Block and WilmerHale filed legal challenges and obtained same-day temporary injunctions to block their orders—President Trump announced that he reached an agreement with Skadden. In exchange for the administration not taking an official government action in the form of an executive order subjecting the firm to punishing sanctions (however illegal that order was likely to be), Skadden agreed to:

- provide the equivalent of \$100 million in free legal work to causes and clients approved by President Trump, to be disbursed “during the Trump Administration and beyond”;
- to fund no fewer than five Skadden Fellows to work on causes in line with the administration’s priorities, including what President Trump termed “conservative ideals”;
- to change its pro bono policies to require all pro bono to “be done in the Firm name” and to be subject to a pro bono Committee to ensure that “pro bono activities represent the full political spectrum”;
- to change its hiring, retention, and promotion practices—specifically to stop considering diversity and inclusion in its employment decisions—and subject itself to advice of outside counsel;
- to not deny representation to clients, including in a pro bono capacity, who purportedly have been denied legal representation from major law firms and whose positions are antithetical to the “personal political views of individual lawyers.”<sup>28</sup>

The purpose of the deal was clear: in exchange for these concessions, President Trump would not issue a Skadden-targeted executive order.<sup>29</sup> As Mr. London admitted in a firm-wide letter, the firm “chose to engage proactively and constructively with the Administration to align on a productive path forward without the issuance of an executive order.”<sup>30</sup>

In the aftermath of the deal, Kathleen Rubenstein, the executive director of the fellowship foundation, resigned “rather than endorse actions that I believe will

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<sup>27</sup> Caitlin Oprysko, *More Institutions Under Fire Add Trump-Tied Firms*, Politico (Apr. 14, 2025), <https://www.politico.com/newsletters/politico-influence/2025/04/14/more-institutions-under-fire-add-trump-tied-firms-00290319>.

<sup>28</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 28, 2025, at 1:57 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/114241348699704594>; Barnes, *supra* note 25.

<sup>29</sup> It is possible that President Trump also arranged for the EEOC to stop its investigation into Skadden. It was a term of deals that President Trump reached with other firms in similar circumstances. See Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025 at 12:21PM), <https://truthsocial.com/@realDonaldTrump/posts/114320245355397433>, Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 11, 2025 at 12:21PM), <https://truthsocial.com/@realDonaldTrump/posts/114320244770957852>.

<sup>30</sup> Barnes, *supra* note 25.

undermine its mission.”<sup>31</sup> Other attorneys also left the firm<sup>32</sup>; and more than eighty alumni of the firm sent a letter to the firm to express “deep outrage” over the settlement. In this letter, they noted that “[a]s one of the country’s most powerful and most profitable law firms, Skadden’s influence over the legal professional cannot be understated. In light of Skadden’s position, it is outrageous and self-interested that rather than fulfilling the legal profession’s oath and standing in solidarity with fellow law firms that were fighting to uphold the Constitution, Skadden caved to bullying tactics instead.”<sup>33</sup>

When employees expressed their dissatisfaction to one another and to firm leadership, the firm responded by attempting to curtail employees’ ability to organize and communicate with one another. In a complaint submitted to the U.S. National Labor Relations Board on April 24, 2025, the National Institute for Workers’ Rights accused Skadden of curtailing their employees’ access to firm distribution lists, which employees were using to discuss the deal and to “plan coordinated rejections of recruitment activities, and express concerns about the impact on what they do, with whom they work, and their ethical obligations,” “in order to suppress employee discussions about the firm’s policy changes.”<sup>34</sup>

Before, during, and after the deal, Skadden was and remains a powerful and lucrative law firm. There was little evidence at the time that President Trump’s threatened executive order would have caused serious harm to Skadden. Courts had *already* paused a substantially similar executive order against Perkin Coie. See, *Perkins Coie* TRO Order. All four firms that sued quickly have succeeded in halting

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<sup>31</sup> David Thomas, *Skadden Foundation Leader Resigns Following Trump Deal*, Reuters (June 5, 2025), <https://www.reuters.com/legal/government/skadden-foundation-leader-resigns-following-trump-deal-2025-06-04>.

<sup>32</sup> Debra Cassen Weiss, *Second, Third Associate Quit Skadden After Firm Reaches Settlement to Avoid Becoming Trump Target*, ABA Law Journal (Mar. 31, 2025), [https://www.abajournal.com/news/article/another-associate-quits-skadden-after-firm-reaches-settlement-to-avoid-becoming-a-trump-target#google\\_vignette](https://www.abajournal.com/news/article/another-associate-quits-skadden-after-firm-reaches-settlement-to-avoid-becoming-a-trump-target#google_vignette); Matthew Goldstein, Jessica Silver-Greenberg & Michael S. Schmidt, *Inside Elite Law Firms, Protests and Quitting After Trump Deals*, N.Y. Times (Apr. 2, 2025), <https://www.nytimes.com/2025/04/02/business/trump-law-firms-skadden-paul-weiss.html>.

<sup>33</sup> Letter from Skadden Alumni to Jeremy London, Chairman of Skadden, Arps, Slate, Meagher & Flom LLP (Apr. 3, 2025), available at <https://www.commoncause.org/wp-content/uploads/2025/04/Skadden-Alumni-Letter-Finalv2.pdf>; see also Sam Levine, *More than 80 Ex-staffers of Top Law Firm Express ‘Deep Outrage’ Over Trump Deal*, Guardian (Apr. 4, 2025), <https://www.theguardian.com/us-news/2025/apr/04/skadden-staffers-letter-trump>.

<sup>34</sup> Charge Against Skadden, Arps, Slate, Meagher & Flom LLP by National Institute for Workers’ Rights, U.S. National Labor Relations Board, filed Apr. 24, 2025, available at [https://fingfx.thomsonreuters.com/gfx/legaldocs/egpbleonjpg/EMPLOYMENT\\_SKADDEN\\_NLRB\\_charge.pdf](https://fingfx.thomsonreuters.com/gfx/legaldocs/egpbleonjpg/EMPLOYMENT_SKADDEN_NLRB_charge.pdf) (last visited Apr. 3, 2026); Letter from National Institute for Workers’ Rights to John D. Doyle, Regional Director, National Labor Relations Board, Apr. 23, 2025, available at <https://niwr.org/2025/04/23/niwr-nlrb-charge-skadden> (last visited Apr. 3, 2026); see also Goldstein, Silver-Greenberg & Schmidt, *supra* note 32.

the executive orders, and none suffered significant losses to their profit or docket.<sup>35</sup> In fact, Jenner & Block even successfully recruited a high-profile partner away from Paul Weiss—another firm that reached a settlement with President Trump—in the aftermath of its deal: Damian Williams, former U.S. attorney for the Southern District of New York.<sup>36</sup>

Skadden was the first law firm to preemptively reach a deal with President Trump in exchange a promise that he would not issue an executive order against the firm. The terms included \$100 million in free legal services and significant concessions regarding the firm’s speech and ceded control of its fellowship selections, client selection, and pro bono choices. Much like his deal with Paul Weiss, President Trump and his associates used the Skadden deal as a template to pressure more law firms into reaching similar deals, leveraging the same threats of punishing executive orders, onerous investigation processes, and the revelation of employee information to a hostile administration. *See Perkins Coie D.D.C. Opinion*, at 156 (“What is clear is 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 included Allen Overy Shearman Sterling LLP; Kirkland & Ellis LLP; Latham & Watkins LLP; Milbank LLP; Simpson Thacher & Bartlett LLP; and Willkie Farr & Gallagher LLP. In total, the capitulating law firms pledged nearly \$1 billion in legal services towards President Trump’s preferred causes in return for safe harbor against the unconstitutional punitive measures that other firms continued to face.<sup>37</sup>

Though President Trump claimed the deal “was essentially a settlement,”<sup>38</sup> these funds were not and will not be 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.”<sup>39</sup> Instead, these were tailored offerings of service to President

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<sup>35</sup> 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>.

<sup>36</sup> Matthew Goldstein & Jessica Silver-Greenberg, *Paul Weiss Loses Another Prominent Lawyer in Wake of Trump Deal*, N.Y. Times (June 6, 2025), <https://www.nytimes.com/2025/06/06/business/paul-weiss-trump-law-firms-damian-williams.html>.

<sup>37</sup> Sam Baker, *Law firms pledge almost \$1 billion in free work to Trump*, Axios (Apr. 12, 2025), <https://www.axios.com/2025/04/12/big-law-pro-bono-legal-work-trump>; Jeffrey Toobin, *Trump’s Next Move After the Law Firms Surrender*, N.Y. Times (May 19, 2025), <https://www.nytimes.com/2025/05/19/opinion/trump-law-firms.html>; Rebecca Beitsch, *Law firms divided over response to Trump orders*, Hill (Mar. 25, 2025), <https://thehill.com/regulation/court-battles/5211686-trump-administration-targets-law-firms>; Barnes, *supra* note 25.

<sup>38</sup> Dan Mangan, *Trump says Skadden, Arps law firm will provide \$100 million in pro bono legal services, avoiding executive order*, CNBC (Mar. 28, 2025), <https://www.cnbc.com/2025/03/28/trump-skadden-law-firm-executive-order.html>.

<sup>39</sup> 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).

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.<sup>40</sup> His understanding of what type of “pro bono” the firms would provide him included representing the administration on trade deals and representing him in a personal capacity.<sup>41</sup>

It appears that Skadden has taken specific steps to satisfy the terms of the agreement. The firm has been reported to be providing free legal work to the Commerce Department.<sup>42</sup> The firm also refused to answer questions from leading U.S. Senate and House Democrats regarding its work and compensation for that work.<sup>43</sup>

More broadly, law firms that reached deals with President Trump have been subject to demands for free legal representation from President Trump’s allies and conservative, partisan organizations.<sup>44</sup> It is not yet known what other clients the firm has taken on in satisfaction of its promise of \$100 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.

To date, Skadden 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 avoid an unlawful and punitive executive order against Skadden. These ethical requirements stand as a

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<sup>40</sup> 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>.

<sup>41</sup> 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>.

<sup>42</sup> Schmidt, Goldstein & Haberman, *supra* note 41.

<sup>43</sup> David Thomas, *Three US Law Firms Sidestep Lawmakers’ Queries on Trump-Related Deals*, Reuters (Oct. 10, 2025), <https://www.reuters.com/legal/government/three-us-law-firms-sidestep-lawmakers-queries-trump-related-deals-2025-10-10/>.

<sup>44</sup> Silver-Greenberg et al., *supra* note 40; Justin Henry, *Heritage-Linked Group Says Big Law Replying to Its Pro Bono Asks*, Bloomberg Law (May 14, 2025), <https://news.bloomberglaw.com/business-and-practice/heritage-linked-group-says-big-law-replying-to-its-pro-bono-asks>.

cornerstone of the profession, inextricably linked to justice and the rule of law. These violations not only have had wide-ranging consequences for Skadden 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 the executive orders and the subsequent deals.<sup>45</sup> Individual lawyers left the firm after Skadden reached its deal with President Trump.<sup>46</sup> The deal also served as a blueprint for other law firms' concessionary agreements with the Trump administration.

The conduct of Skadden, Jeremy London, and other attorneys in 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.

### **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.<sup>47</sup> Rule 8.4 has been used to discipline an attorney in the absence of a conviction,<sup>48</sup> though it is often combined with other rules to suspend or disbar an attorney.<sup>49</sup> Here, Skadden 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.<sup>50</sup> The

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<sup>45</sup> 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>.

<sup>46</sup> Weiss, *supra* note 32; Goldstein, Silver-Greenberg & Schmidt, *supra* note 32.

<sup>47</sup> 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).

<sup>48</sup> 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).

<sup>49</sup> 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).

<sup>50</sup> 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").

promises made by Skadden 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, Skadden’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, 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). Skadden promised \$100 million towards President Trump’s favored causes “with the expectation of obtaining favorable action,” *Torcasio*, 959 F.2d at 506, specifically rescission of the executive order. The promise therefore likely constitutes extortion by President Trump and his associates. Though Skadden 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.”). Skadden’s agreement with President Trump was voluntary; indeed, the fact that the firm was never actually subject to a punitive executive order, and the fact that other firms in similar positions chose to fight the blatantly unconstitutional executive orders, demonstrate that Skadden did not need to make this deal and would have had other, lawful options had President Trump targeted the firm with an executive order. 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. Skadden has reportedly provided free legal services to the Commerce Department, 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, Skadden 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 Skadden 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 Skadden, and President Trump appear to be vague and unspecific.<sup>51</sup> 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), Skadden 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, Skadden 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 Skadden made with President Trump.

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<sup>51</sup> 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>.

### 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 Skadden 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 Skadden 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 Skadden who were instrumental in facilitating the deal with President Trump.

In failing to uphold their ethical obligations, Skadden, Jeremy London, and 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,

Suparna Reddy, Senior Counsel  
John Bonifaz, President  
Ben Clements, Chairman and Senior Legal Advisor  
Courtney Hostetler, Legal Director  
FREE SPEECH FOR PEOPLE  
28 S. Main St, Suite 200  
Sharon, Massachusetts 02067  
(617) 244-0234 (office)  
[sreddy@freespeechforpeople.org](mailto:sreddy@freespeechforpeople.org)