

## How Small Firm Attys Are Rallying To Back Perkins Coie

By **Daniel Connolly**

Law360 (April 8, 2025, 4:55 PM EDT) -- More than a week ago, well-known solo attorney Carolyn Elefant posted a call on LinkedIn for small firm and solo attorneys to sign an amicus brief in support of Perkins Coie LLP's legal battle against an executive order from President Donald Trump targeting the BigLaw firm with sanctions.

Initially, she said, she feared lawyers would hesitate to sign on.

"So we put the post up. And to my surprise, like 150 people signed onto it, like in a day," Elefant told Law360 Pulse on Monday.

Since then, lawyers have continued "really flocking to it," the Maryland environmental lawyer and small-firm practice guru said.

"I think people really want to do something," she said. "And they feel emboldened — just because other attorneys are doing it, and just because I think people also just feel helpless."

Elefant said that on Wednesday morning, the group plans to file an amicus brief signed by about 300 solo and small lawyers. It follows a string of other briefs, including one filed Friday by the approximately 200-attorney Munger Tolles & Olson that was signed by more than 500 law firms of varying sizes around the country.

Smaller firms appear to make up the majority of **the 507 law firms** that signed Friday's brief, while only a handful of the country's approximately 100 largest firms — Covington & Burling LLP, Crowell & Moring LLP, Jenner & Block LLP, Freshfields US LLP, Davis Wright Tremaine LLP, Arnold & Porter LLP and WilmerHale — added their names.

Another group of **20 litigation firms** filed an amicus brief to support Perkins Coie on Monday — this group, too, includes several small firms, such as Buckner + Miles PA of Coral Gables, Florida, which has five attorneys.

Drafted by Elefant and solo attorney Andrea Goldman of Goldman Law Group in Newton, Massachusetts, and with edits from multiple other attorneys, the amicus brief expected to be filed on Wednesday morning will highlight the sheer number of solo and small firm attorneys in the U.S., how their work impacts ordinary Americans, and how being targeted themselves by the administration would cripple their practices, Elefant said.

Among other sanctions, the Trump administration's order against Perkins Coie seeks to restrict federal employees from interacting with the firm's employees.

"We pointed out how solo and small firms who practice in federal areas like veterans benefits or immigration law or Social Security disability, if they were to encounter an order like this, it could basically put them out of business, because they tend to specialize," Elefant said. "So if you're a Social Security disability benefits lawyer and you can't talk to the staff of Social Security, you're kind of out of luck, and you can't represent your clients."



Carolyn Elefant

As an environmental lawyer representing clients including landowners impacted by gas pipelines and environmental justice communities, Elefant said her own work often sees her going up against the federal government, meaning that a similar executive order could wipe out her practice as well.

The small firms' amicus brief will also highlight how solo and small firms often represent unpopular or marginalized clients, such as criminal defendants and immigrants, she said.

She said working on the amicus brief project has given her a burst of excitement and energy.

"This is the stuff I love. I always say that I was built for this, because when I was in law school, I put out a newspaper called 'The Dissent.' I've always had a voice and speaking out against things. And so I feel like this is something I was made to do, because it's like the thing that fits."

### **Why Some Small And Solo Firms Are Fighting Back**

On March 6, the Trump administration **issued an executive order** suspending Perkins Coie's security clearances in response to what it called the firm's "dishonest and dangerous activity," including representing Hillary Clinton during her presidential bid in 2016, and its diversity hiring efforts. The order also took other steps, including denying the firm's lawyers access to federal buildings and meetings with federal officials, and terminating any contracts the firm had with the government.

Perkins Coie quickly filed suit, and U.S. District Judge Beryl A. Howell on March 12 **issued a temporary restraining order** in favor of Perkins Coie, calling the Trump administration's position "viewpoint discrimination, plain and simple."

Two other BigLaw firms, Jenner & Block LLP and WilmerHale, have likewise filed suits after being subjected to executive orders from Trump, and **both have won temporary restraining orders** of their own.

A U.S. Department of Justice attorney defended the executive order at a hearing in Perkins Coie's challenge last month, arguing that presidents being able to "protect the [country's] national security interests" by excluding untrustworthy individuals from working with the government is a "bedrock principle of our republic."

Another four firms — Paul Weiss Rifkind Wharton & Garrison LLP, Skadden Arps Slate Meagher & Flom LLP, Willkie Farr & Gallagher LLP and Milbank LLP — have **made deals** with the Trump administration to avoid sanctions in exchange for pro bono commitments collectively worth hundreds of millions of dollars and vows to limit diversity, equity and inclusion programs.

So why are hundreds of attorneys from small firms eager to help Perkins Coie, while many BigLaw firms are staying silent or making deals with the Trump administration?

Elefant speculates that, at heart, it may have to do with the fact that small firm attorneys build close, personal relationships with their clients, whereas BigLaw leaders may operate at greater remove from their clients, especially if they're managing the firm from a high level.

"Your clients are also equally large [corporations]" at a BigLaw firm, she said. "And so you don't necessarily feel that kind of protectiveness that you do when you're a solo or small firm. It's just a much more personalized type of business."

At the same time, she didn't want to go too far in her criticism of BigLaw firms that made deals with the Trump administration.

"I would never do what those firms did, but I can't necessarily be critical of people who are in that position, because they're in a different position than I am."

David Buckner, a partner with Buckner + Miles who signed on to the litigation firm brief filed on Monday, said he doesn't know why small firm attorneys appear more willing to back Perkins Coie than some BigLaw firms.

"If you're asking me to guess, I would guess if you have hundreds of partners, as some of these big firms do, it may be harder to get them to all agree," he said. "Maybe the smaller firms, it isn't as hard."

That said, he noticed that some big firms such as Arnold & Porter LLP have signed on, and Williams & Connolly, where he formerly worked as an associate, **is representing Perkins Coie.**

He said he finds the relative lack of BigLaw support for Perkins Coie disappointing.

"I would have expected more given what's happening, particularly with regard to the firms that are being targeted."

In a memo to staff last month explaining Paul Weiss' decision to make a deal with the Trump administration rather than fight an executive order targeting it, firm Chairman Brad S. Karp **cited lack of support from other BigLaw firms**, and even some firms seeking to take advantage of the situation by recruiting away its clients and lawyers.

"Clients had told us that they were not going to be able to stay with us, even though they wanted to. It was very likely that our firm would not be able to survive a protracted dispute with the administration," he wrote.

### **Other Small Law Efforts**

Besides the amicus briefs in the Perkins Coie case, other small firm attorneys are finding ways to push back against the Trump administration's executive orders.

Robert C. Gottlieb, head of three-attorney New York criminal defense firm Robert C. Gottlieb & Associates PLLC, recently gathered signatures for **a statement** from about 28 small and solo law firms in defense of their BigLaw counterparts.

"Recent retaliatory actions against Big Law are an attack on all lawyers," the statement says in part.

In an interview with Law360 Pulse on Thursday, Gottlieb said he finds Trump's moves against BigLaw firms "reprehensible."

"It's not a joke. He clearly is trying to intimidate lawyers, who swear to uphold the Constitution and the law, from daring to oppose anything he decides to do," Gottlieb said.

Gottlieb said representing reviled people is what lawyers do. He pointed to his own decision to represent Adis Medunjanin, an al-Qaida trained terrorist who took part in an unsuccessful plot to bomb the New York subway. Medunjanin was convicted by a jury in 2012 and sentenced to life in prison.

"At the time I received a great deal of hate mail. I was attacked for doing it," Gottlieb said. He also said he needed to obtain security clearance to review the classified information that the government had gathered against the terrorism suspect, and could imagine Trump retaliating against him.

"The way this country is operating right now, I'm willing to bet dollars to donuts, he would have revoked my security clearance for daring to represent Mr. Medunjanin," Gottlieb said.

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