

U.S. District Court’s Decision Permanently Blocking President’s Executive Order: What to Know

May 2, 2025

What did the Court issue? Today, the Court issued a 102-page opinion granting in entirety Perkins Coie’s motion for summary judgment, denying the government’s motion to dismiss, and permanently blocking Executive Order 14230, which targets our firm. This ruling affirms core constitutional freedoms, including free speech, due process, and the right to select counsel without fear of retribution by the government.

What did the Court do? The Court ruled in favor of Perkins Coie and permanently blocked the federal government from enforcing any part of the Executive Order. In particular, the Court enjoined Section 2’s suspension of security clearances, Section 3’s termination of government contracts with any Perkins Coie client, Section 4’s EEOC investigation of the firm, and Section 5’s restrictions on firm personnel’s access to federal buildings, interactions with government officials, and being hired for federal jobs.

Why is the Executive Order unconstitutional? The Court found that the Executive Order violates the Constitution in many ways. It constitutes retaliation, viewpoint discrimination, and compelled disclosure in violation of the First Amendment; denies equal protection in violation of the Fifth Amendment; violates the right to counsel guaranteed by the Fifth and Sixth Amendments; denies due process of law in violation of the Fifth Amendment; and is unconstitutionally vague in violation of the Fifth Amendment.

What comes next? The government has the right to appeal the Court’s decision to the U.S. Court of Appeals for the D.C. Circuit within the next 60 days. If the government appeals, Perkins Coie will oppose the appeal.

Notable excerpts

- “No American President has ever before issued executive orders like the one at issue in this lawsuit targeting a prominent law firm with adverse actions to be executed by all Executive branch agencies but, in purpose and effect, this action draws from a playbook as old as Shakespeare, who penned the phrase: ‘The first thing we do, let’s kill all the lawyers.’ WILLIAM SHAKESPEARE, HENRY VI, PART 2, act 4, sc. 2, l. 75.” (Op. p. 1)
- “Congress may legislate, the President may implement, and courts may adjudicate, ‘but only the lawyers can prepare and submit the great issues of human justice under law in

such manner and form that courts, in the ultimate, may be effective.” (citation omitted) (Op. pp. 1-2)

- “Only when lawyers make the choice to challenge rather than back down when confronted with government action raising non-trivial constitutional issues can a case be brought to court for judicial review of the legal merits, as was done in this case by plaintiff Perkins Coie If the founding history of this country is any guide, those who stood up in court to vindicate constitutional rights and, by so doing, served to promote the rule of law, will be the models lauded when this period of American history is written.” (Op. pp. 3–4 n.3)
- “Plaintiff does not seek, nor would this Court grant, an injunction to prevent President Trump from ‘shar[ing] [his] views’ or ‘criticiz[ing] particular beliefs.’ At the same time, however, plaintiff may challenge ‘the application of state power’ against plaintiff, based on statements qualifying as ‘findings’ used to justify an order with which Executive branch agencies must comply.” (citations omitted) (Op. p. 36)
- “Finding any such government actions judicially unreviewable simply because the Executive branch invoked ‘the national interest’ would represent a breathtaking expansion of executive power at the expense of the constitutionally mandated role of the judicial branch and the concomitant safeguards for the individual rights of Americans.” (Op. p. 41)
- “[T]he government’s briefing reveals the true motivation lurking behind the façade of discrimination allegations: the administration’s disapproval of plaintiff’s speech in favor of diversity. This revelation makes clear the pretextual nature of EO 14230’s cited reason regarding plaintiff’s purported discrimination.” (Op. p. 59)
- “[P]ublic statements supporting diversity, standing alone, as they do here, provide not even a scintilla of evidence of impropriety, let alone illegality.” (Op. p. 59)
- “Government officials, including the President, may not ‘subject[] individuals to ‘retaliatory actions’ after the fact for having engaged in protected speech.’ They may neither ‘use the power of the State to punish or suppress disfavored expression,’ nor engage in the use of ‘purely personal and arbitrary power’.” (citations omitted) (Op. p. 102)

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