

Nos. 25-5241(L), 25-5265, 25-5277, 25-5310

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PERKINS COIE LLP,

Plaintiff-Appellee,

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Columbia,
Nos. 25-cv-00716, 25-cv-00916, 25-cv-00917, 25-cv-01107

**BRIEF OF AMICI CURIAE 813 SOLO AND SMALL LAW FIRMS IN
SUPPORT OF APPELLEES AND AFFIRMANCE**

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April 3, 2026

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a), counsel certifies that the Amici are either (1) individual attorneys or (2) small law firms organized as professional corporations or limited liability companies which have no parent corporations nor ownership by any publicly held corporation.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties and Amici

All parties, amici, and intervenors appearing in this case are listed in Appellants' opening briefs.

B. Ruling Under Review

References to the rulings under review appear in the Appellants' opening briefs.

C. Related Cases

Counsel adopt and incorporate by reference parties' statements with respect to related cases.

D. Rule 26.1 Disclosure

Pursuant to Federal Rule of Appellate Procedure 26.1(a), counsel certifies that the Amici are either (1) individual attorneys or (2) small law firms organized as professional corporations or limited liability companies which have no parent corporations nor ownership by any publicly held corporation.

Respectfully submitted,

/s/ Carolyn Elefant

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INTEREST OF *AMICI CURIAE*

This appeal involves four retaliatory and overreaching Executive Orders that imperil solo and small firm lawyers and our clients as much, if not more than the four large firms that the orders target. *Amici Curiae* are independent solo practitioners and small firm lawyers from across the United States who represent individuals, small businesses, nonprofits, and community organizations across diverse practice areas.¹ *Amici*, who participated in two of the lower court challenges,² now join this Brief to support Plaintiffs-Appellees Perkins Coie LLP, Jenner & Block LLP, WilmerHale LLP, and Susman Godfrey LLP (the “Firms”) and to urge this Court to affirm the judgments below invalidating the Executive Orders.

Amici file this Brief to warn this Court that the challenged Executive Orders, though nominally targeting large firms, have repercussions extending far beyond BigLaw. The Executive Orders empower the President to target any attorney or law firm that represents politically disfavored clients, threatening the livelihood of solo and small firm practitioners and the rights of the millions of clients who depend on *Amici* for access to justice. As the *New York Times* recently reported, solo and small

¹ *Amici* are listed in the Appendix at the back of this brief.

² See *Perkins Coie LLP v. U.S. Dep’t of Just.*, 783 F. Supp. 3d 105 (D.D.C. 2025) (Judge Beryl A. Howell) and *Susman Godfrey LLP v. Exec. Office of the President*, 789 F. Supp. 3d 15 (D.D.C. 2025) (Judge Loren L. AliKhan).

firm lawyers have stepped into the breach left by acquiescing large firms, becoming, in the words of one solo practitioner, “the last line of defense.”³ No other amici adequately represents the unique perspective of solo and small firm practitioners who stand on the front lines of client representation without the institutional resources to absorb or withstand executive retaliation.

Amici are all attorneys actively practicing or retired from solo ventures and small law firms. Attorneys like these account for 75% of law firms in the United States.⁴ *Amici*’s practices span a wide variety of specializations, including family law, estate planning, probate litigation, criminal defense, personal injury, bankruptcy, immigration, intellectual property, construction, energy and environmental justice, regulatory and compliance, corporate start-ups, ERISA, social security disability, employment law, whistleblower representation and civil rights and constitutional law. More than half of *Amici* represent clients in some federal matters, and roughly 20% of *Amici* represent clients in federal courts or federal agencies exclusively.

³ Elizabeth Williamson, *Solo Practitioners and Small Firms Step Up as Big Law Steps Back*, New York Times (July 21, 2025), <https://www.nytimes.com/2025/07/21/us/politics/trump-big-law-firms-fight.html> (last visited March 30, 2026).

⁴ Embroker Team, *50 Surprising Solo Law Firm Statistics for 2025*, EMBROKER (Mar. 13, 2025), <https://www.embroker.com/blog/solo-law-firm-statistics/> (last visited April 3, 2025) (noting that solos account for 40 percent of law firms while firms of six attorneys or fewer comprise 75 percent of all law firms).

In the spirit of Atticus Finch in *To Kill a Mockingbird*, many lawyers in solo practices and small firms uphold a proud tradition of representing marginalized, controversial, or unpopular clients against the government – not merely as occasional *pro bono* matters but as the bread and butter of their practices.⁵ Solo and small firm lawyers accept court-appointed criminal defense assignments in federal court and comprise the vast majority of the more than 12,000 panel appointments.⁶ Solo practitioners also account for 42% of immigration lawyers who practice exclusively in federal court.⁷

That dependence on federal access is precisely what makes the Orders' threat so acute: faced with retaliation, solo and small firm lawyers are forced to “toe the line” for fear of being “next.” And unlike their BigLaw counterparts, solo and small firm lawyers cannot shift work to unaffected practice groups, draw on institutional reserves, or pledge tens of millions in *pro bono* services to negotiate their way out

⁵ Andre Wharton, *Representing the Unpopular Client of Cause*, 31 GPSolo 62 (2014) (“The job of solo and small firm practitioners is difficult but invaluable to our system of justice; nowhere is this clearer than in the representation of ‘sensitive’ or ‘high-profile’ (read: unpopular) cases or clients.”).

⁶ Admin. Office of the U.S. Courts, *Defender Services*, U.S. Courts, <https://www.uscourts.gov/about-federal-courts/defender-services> (last visited March 31, 2026).

⁷ *Building Dreams*, The Practice (Harvard Law Sch. Ctr. on the Legal Profession), Mar./Apr. 2024, <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/immigration-lawyering/building-dreams/>.

of the administration's crosshairs. For solo practitioners and single-niche small firms whose practices are built entirely around federal courts or agencies, loss of access means loss of clients which means loss of the firm. The harm is not merely an inconvenience but a full-stop shutdown. Accordingly, *Amici's* Brief focuses on the real-world consequences to solo and small firm lawyers – the proverbial foot soldiers of the legal profession – and our clients should this Court reverse the lower court rulings on appeal.

FRAP RULE 29(a) STATEMENT

Pursuant to Federal Rule of Appellate Procedure 29(a)(2), all parties have consented to the filing of this brief. No party's counsel authored this brief in whole or in part. No party, party's counsel or any person (other than *amici* or their counsel) contributed money intended to fund preparation or submission of this brief.

STATEMENT OF THE CASE

In early 2025, President Donald J. Trump issued a sequence of Executive Orders singling out Perkins Coie, Jenner & Block, WilmerHale, and Susman Godfrey for their advocacy and client representations, directing agencies to cut off federal contracts, suspend security clearances, and restrict firm attorneys' access to federal buildings and systems. Four different district court judges enjoined those Orders as unconstitutional, and the government now seeks reversal in these

consolidated appeals.⁸ To shield solo and small firm lawyers and the clients we serve from the disastrous, real-world consequences of the Executive Orders, *Amici* file this Brief urging the court to affirm the lower courts' rulings.

SUMMARY OF ARGUMENT

The judgments below should be affirmed on four grounds.

First, the lower courts properly found the Executive Orders ripe for review. Attorneys across the bar are already declining federal representations out of fear of retaliation. The Orders inflict immediate, verifiable harm on solo and small firm lawyers.

Second, the lower courts correctly held that the Orders impose an unconstitutional chilling effect. By threatening federal contract termination and exclusion from federal buildings, the government coerces attorneys into abandoning disfavored clients — precisely the conduct *NRA v. Vullo*⁹ and *Bantam Books, Inc. v. Sullivan*¹⁰ prohibit.

Third, the district courts correctly held that the Orders deprive clients of their constitutional right to counsel. Solo and small firm lawyers serve clients — in criminal defense, immigration, disability, and veterans' benefits — who have no

⁸ See Government Brief, Statement of the Case.

⁹ 602 U.S. 175 (2024).

¹⁰ 372 U.S. 58 (1963).

other alternatives and will go unrepresented if these Orders stand. The Orders also establish a blueprint to effectively disqualify opposing counsel who represent clients with views adverse to the administration.

Fourth, the district courts correctly held that the Orders are subject to judicial review and exceed the President's constitutional authority, in violation of separation of powers principles. The President has no Article II authority to impose new constraints on the legal profession without congressional authorization, and separation of powers principles forbid an executive acting without legal authority from simultaneously claiming immunity from judicial review of that action.

ARGUMENT

I. THE ORDERS ARE RIPE FOR REVIEW BECAUSE THEY ARE ALREADY CAUSING CONCRETE, DOCUMENTED HARM.

The government contends these Orders are unripe because agencies have not yet terminated contracts or issued building access guidance under Sections 3 and 5. That contention mistakes the nature of the injury. The ripeness doctrine exists to prevent adjudication of speculative future injury, not to block review while documented, present harm unfolds across the legal profession in real time. Delayed review in this instance amounts to justice denied.

The harm to solo and small law firms caused by the Orders does not derive solely from formal implementation. The injury here is not a single terminated contract or a denied building pass, but rather the deliberate use of the threat of those

consequences to coerce attorneys into abandoning disfavored clients right now. Senior White House officials have openly acknowledged that keeping the threat of executive orders alive is deliberate policy. For example, Deputy Chief of Staff Stephen Miller and his allies want the threat “on the table because they think it dissuades lawyers from representing critics of the administration.”¹¹

Regrettably, that strategy is working. The American Bar Association documented in a federal court filing that attorneys are presently declining representations adverse to the federal government because the threat of executive retaliation is too great.¹² The ABA itself has been forced to forgo litigation against the administration because counsel previously available to take on such work are no longer willing to do so.¹³ A threat that has already succeeded in suppressing legal representation is not only ripe, but unconstitutional.

For solo and small firm practitioners, the government’s “wait and see” approach to review proves particularly problematic. A large firm can distribute disruption across its practice groups and draw on institutional reserves while

¹¹ Mulvaney *et al.*, *The Law Firms That Appeased Trump—and Angered Their Clients*, Wall St. J., (June 1, 2025), <https://www.wsj.com/us-news/law/law-firms-trump-deals-clients-71b3616d> (last visited March 31, 2026).

¹² *American Bar Ass’n v. Exec. Office of the President*, No. 1:25-cv-01888, Compl. ¶ 14 (D.D.C. June 16, 2025), <https://www.justsecurity.org/wp-content/uploads/2025/06/ABA-Suit-.pdf> (last visited March 30, 2026).

¹³ *Id.* ¶ 15.

awaiting formal agency implementation. A solo practitioner or single-niche small firm whose practice centers entirely around federal courts or agencies has no comparable cushion. Clients do not wait for agency guidance before deciding to find new counsel. They leave when the threat appears. By the time formal implementation arrives, a solo or small firm's client base may already be gone and their firms may never recover. The Constitution does not require solo and small firm lawyers to operate in a state of perpetual uncertainty, forced to guess whether each federal representation they accept will trigger the order that compels abandonment of their client and an end to their practice. That constitutes not only ripeness but a slow-motion deprivation of the right to practice law.

II. REINSTATING THE FOUR EXECUTIVE ORDERS WILL CREATE A PROFOUND CHILLING EFFECT ON THE FEDERAL PRACTICES OF SMALL FIRMS AND SOLO PRACTITIONERS.

The government contends that “nothing in the EO excludes anyone from working as an attorney, whether ‘formally or automatically.’”¹⁴ That assertion misses the point entirely. If this Court reverses the four district court rulings invalidating the Executive Orders, that will create a profound and immediate chilling effect on the federal practices of small firms and solo practitioners and, in some

¹⁴ Government Br. at 56.

instances, deprive them of their ability to serve clients and practice law.

The Executive Orders each contain two key implementing provisions: Section 2, which authorizes federal agencies to terminate or prevent contracting with the targeted firm; and Section 5, which restricts firm employees' access to federal buildings and prohibits the government from hiring them.¹⁵ These provisions do not merely regulate a single firm; they establish a framework through which the federal government may effectively exclude targeted attorneys and firms from participation in federal legal practice. The consequences of such authority fall most heavily on small firms and solo practitioners, whose practices often depend on specialized federal work and access to federal agencies, courts, and facilities.

Attorneys, particularly those in small firms and solo practice, typically concentrate their work in a limited number of subject matter areas to develop expertise, build reputations, and attract clients. Specialization is not merely a business choice; it is a structural feature of the legal profession that promotes competence, efficiency, and effective advocacy. Federal practitioners invest years developing expertise in federal procurement, regulatory practice, federal litigation, or agency work. Their ability to serve clients depends on access to federal buildings,

¹⁵ Because these provisions are materially identical across all four Orders, we address them collectively. *See* Sussman Godfrey Br. at 10 (noting similarity between implementing provisions of all four Executive Orders).

interaction with federal agencies, and the opportunity to compete for federal contracts and engagements. When the government restricts these core aspects of practice, it effectively denies attorneys the ability to pursue their chosen profession in a significant sector of the legal market.

The Executive Orders signal a broader and deeply troubling precedent. If this Court permits the federal government to exclude a law firm from federal contracting, bar its attorneys from federal buildings, and prohibit government hiring of its personnel based on disfavored advocacy or representation, no limiting principle remains to prevent similar actions against other firms. Small firms and solo practitioners are particularly vulnerable to such pressure. The mere possibility of being targeted by a similar order would deter attorneys from accepting controversial clients, pursuing sensitive federal litigation, or challenging government action. Even the targeting of a single firm can create a deterrent effect across the legal profession, as attorneys reasonably conclude that engaging in certain representations may jeopardize their ability to maintain federal practices or sustain their businesses.

This is restraint of trade in its most coercive form. The Executive Orders do not simply regulate government contracting; they leverage the government's economic power to pressure attorneys and firms to avoid disfavored advocacy. By threatening exclusion from federal contracts, buildings, and employment opportunities, the government effectively conditions participation in the federal legal

marketplace on adherence to acceptable viewpoints and representations. For small firms and solo practitioners, whose economic survival often depends on access to federal work, this pressure is existential. These threats result in a marketplace distorted by government-imposed fear, in which attorneys must “toe the line” to preserve their practices.

The threat is not limited to firms handling overtly political litigation or representing unpopular clients. Even a seemingly routine matter such as challenging an award of a trademark to a competing business could erupt into a political melee if the opposing party is a political donor who uses connections to bar the challenging attorney from access to the U.S. Patent and Trademark Office. No area of federal practice is immune from this coercive dynamic.

The Supreme Court’s decision in *National Rifle Association of America v. Vullo* is directly on point. 602 U.S. 175 (2024). In that case, the Supreme Court considered whether actions by the New York Department of Financial Services, led by Maria T. Vullo, violated the First Amendment by encouraging financial institutions to sever ties with the National Rifle Association. The Court held that while government officials may criticize and attempt to persuade private actors, they may not use state power to punish or suppress disfavored speech or associations. The critical distinction lies between persuasion and coercion: government officials may express views, but they may not threaten adverse regulatory or economic

consequences in order to silence or marginalize protected expression.

The Court's reasoning in *NRA* draws directly from *Bantam Books, Inc. v. Sullivan*, which established that the First Amendment prohibits government officials from using threats of legal sanctions or other coercive measures to suppress disfavored speech. 372 U.S. 58 (1963). *Bantam Books* emphasized that informal or indirect pressure—particularly when backed by government authority—can be just as constitutionally problematic as direct censorship. When government action carries an implicit or explicit threat of economic or regulatory harm, it crosses the line from persuasion to coercion.

The Executive Orders fall squarely on the coercive side of that line. By authorizing termination of federal contracts, restricting access to federal buildings, and limiting employment opportunities, the orders impose tangible economic and professional penalties on law firms and their attorneys. These penalties are not tied to misconduct, regulatory violations, or procurement failures; rather, they arise from a firm's representation of clients and its advocacy in federal matters. The practical effect is to discourage attorneys from representing clients or pursuing legal positions contrary to the government's favored positions.

For small firms and solo practitioners, the chilling effect becomes particularly severe. Unlike large firms with diversified practices and extensive resources, smaller practices often rely heavily on access to federal agencies, federal buildings, federal

libraries and government-related work. The threat of losing this necessary access—or being barred from federal facilities altogether—creates a powerful incentive to avoid controversial or politically sensitive representations. Attorneys may decline to represent certain clients, avoid federal litigation, or withdraw from government-related practice areas altogether. This is precisely the type of indirect suppression that *Bantam Books* and *NRA* prohibit.

Barring attorneys from federal buildings also directly interferes with their ability to practice law. Federal buildings house courts, agencies, and administrative offices that are essential to federal practice. Denying attorneys access to these facilities effectively prevents them from representing clients, attending hearings, meeting with agency officials, or participating in proceedings. Such restrictions represent more than administrative inconveniences; they function as a professional ban, preventing attorneys from their protected liberty interest in engaging in their lawful occupation in a major sector of the legal system.

The cumulative effect of these provisions creates a climate of fear and self-censorship within the legal profession. Attorneys who wish to maintain federal practices will be forced to consider whether representing certain clients or advancing certain legal arguments could subject them to similar sanctions. The result is a narrowing of advocacy, a reduction in the availability of legal representation, and a weakening of the adversarial system itself. The First Amendment and the Rule of

Law depend on the willingness of attorneys to represent unpopular clients and challenge government action without fear of retaliation. When the government uses its economic and regulatory power to deter such representation, it undermines both constitutional protections and the functioning of the legal system.

In short, the Executive Orders do not merely affect a single law firm, or even four firms; they threaten the entire ecosystem of small firms and solo practitioners engaged in federal practice. By conditioning access to federal contracts, buildings, and employment on adherence to government-approved advocacy, the Orders impose an unconstitutional restraint on the legal profession and create a chilling effect that deters attorneys from representing disfavored clients and pursuing legitimate federal work. Under the principles articulated in *NRA* and *Bantam Books*, this kind of coercive use of government power cannot stand.

III. THE EXECUTIVE ORDERS DEPRIVE CLIENTS OF THEIR CONSTITUTIONAL RIGHT TO CHOSEN COUNSEL AND DESTROY ACCESS TO JUSTICE FOR THE MOST VULNERABLE AMERICANS

A. The Orders Violate the Constitutional Right to Chosen Counsel

The government dismisses the right-to-counsel violation in two sentences, asserting that clients can obtain “alternative qualified counsel” and that Section 5 imposes only “incidental burdens based on neutral rules.” Gov’t Br. at 59. While those assurances may suffice for sophisticated corporate clients with options, they ring hollow for the millions of underserved Americans for whom *Amici* are the only

counsel available.

The Sixth Amendment guarantees not merely *some* counsel, but *chosen* counsel, or “the counsel [the accused] believes to be best.” *United States v. Gonzalez-Lopez*, 548 U.S. 140, 146 (2006). The Fifth Amendment independently protects that right in civil proceedings. *Perkins*, 783 F. Supp. 3d at 144, *citing Powell v. Alabama*, 287 U.S. 45, 68 (1932)). Neither right is satisfied by pointing clients toward whomever remains on an administration-approved list.

The government likens Section 5 to neutral bar-admission rules articulated in *Wheat v. United States*, but bar admission applies equally to all candidates. 486 U.S. 153, 159 (1988). Executive Orders that single out firms because of the clients and causes they represent are the opposite of neutral. Nor are the resulting burdens “incidental”: Section 5 bars targeted attorneys from federal buildings and from engaging with federal officials; Section 2(b) terminates access to “Government goods, property, material, and services” — language that on its face reaches PACER, pay.gov, and the physical and postal infrastructure necessary to file, serve, and litigate federal cases. *See Perkins Br.* at 42 (“The Order also cuts the Firm off from ‘all Government goods, property, material, and services,’ Perkins EO §2(b), including, for example, the postal service, PACER, or [pay.gov](https://www.pay.gov).”).

A lawyer who cannot enter a federal courthouse, file documents electronically, or communicate with opposing counsel at the Department of Justice

cannot meaningfully represent a client. The district court in *Perkins* properly held that these restrictions unconstitutionally interfere with clients' Fifth and Sixth Amendment rights to counsel. *Perkins*, 783 F. Supp. 3d at 169-171.

The Orders' impact goes beyond the attorneys and law firms directly named. They create a blueprint for gamesmanship that threatens clients' right to chosen counsel more broadly. An opposing attorney, seeking an advantage in litigation adverse to the administration, could report the other side's counsel to administration officials, triggering an Executive Order that effectively disqualifies that attorney by stripping their federal access. This scenario will become the new reality of federal litigation if the Orders are allowed to stand.

B. *Amici's* Clients Cannot Readily Access Alternative Counsel

The government's "alternative counsel" theory fares no better. Solo practitioners take the bulk of more than 12,000 federal CJA panel assignments annually and represent a large share of the immigration bar; small firms dominate Veterans' Affairs benefits, Social Security disability, and federal criminal defense. When executive action chills or drives these lawyers from federal practice, indigent and working-class clients do not simply find new counsel — they go unrepresented. For example, if the Executive Orders brand a rural attorney who brings civil rights claims against local federal officials as untrustworthy or a threat to national security, the rural attorney could lose all access to the very courthouse where that attorney

must file claims. For that attorney's clients and for the millions of Americans who depend on *Amici* for representation, a constitutional right to counsel means little when the government can deprive their chosen attorneys of the basic infrastructure necessary to do their jobs.

The Orders also contravene ethical mandates by violating the principle that “representation of a client does not constitute endorsement of the client’s views” and manufacturing conflicts of interest between attorneys and clients. MODEL RULES OF PRO. CONDUCT R. 1.2(b) and R. 1.7 (AM. BAR ASS’N 2025). A small-firm attorney who takes on a politically controversial case could suddenly find their entire client base at risk, as the Orders force lawyers to choose between zealous advocacy and professional survival. This ethical bind particularly impacts attorneys in smaller communities and legal deserts, where a solo practitioner might be the only lawyer willing to challenge government overreach.

IV. REFUSING JUDICIAL REVIEW VIOLATES THE SEPARATION OF POWERS

The government contends that the Executive Orders and their security clearance provisions in particular fall within Presidential prerogative and wholly escape judicial review. Accepting the government’s position would leave *Amici* with no judicial remedy against executive overreach whatsoever.

Department of the Navy v. Egan, the case the government relies on, does not

apply here. 484 U.S. 518 (1988). *Egan* held only that an outside body may not review the substance of an individualized, expert national-security determination; this opinion does not provide a blank check against constitutional scrutiny of all presidential action touching on clearances. The D.C. Circuit has consistently held that “it is simply not the case that all security-clearance decisions are immune from judicial review.” *Nat’l Fed’n of Fed. Emps. v. Greenberg*, 983 F.2d 286, 289-90 (D.C. Cir. 1993) (reviewing constitutional challenges to security clearance denial). To find otherwise “would be to endorse untenable, and far-reaching, restrictions on judicial review of governmental actions.” *Id.* at 290.

Nor does the President possess any authority, constitutional or statutory, to punish law firms for their client representations in the first place. As WilmerHale’s brief demonstrates, no source of Article II power supports these Orders. WilmerHale Br. at 26-29. The Supreme Court made clear in *Youngstown Sheet & Tube Co. v. Sawyer* that the President’s power to execute the laws does not extend to making new ones. 343 U.S. 579, 587 (1952). These Orders do exactly that. They inflict new constraints on the legal profession without congressional authorization. An executive acting without legal authority cannot simultaneously claim immunity from judicial review of that action. *See, e.g., Trump v. United States*, 603 U.S. 593, 651 (2024) (Barrett, J., concurring in part) (recognizing that “the Constitution does not vest every exercise of executive power in the President’s sole discretion”). A

foundational principle of the Constitution mandates that no branch of government, including the Executive, operates free of checks and balances. Unfettered presidential power to act unilaterally exists only in the narrowest of circumstances, such as responding to a sudden military attack on the nation. No such emergency exists here. These Orders do not target a genuine national security crisis; they target law firms and lawyers who take positions or represent clients the President finds disagreeable. *Perkins*, 783 F. Supp. 3d at 144 (finding that “[t]he Orders here reflect no individualized national-security interest whatsoever”). Use of executive power to punish political opponents and silence dissenting voices is precisely the kind of abuse our constitutional system of checks and balances was designed to prevent.

The separation of powers doctrine protects the structure of government, and also protects solo and small firm lawyers from executive overreach. The doctrine was adopted not to promote efficiency, but “to preclude the exercise of arbitrary power” and “to save the people from autocracy.” *Myers v. United States*, 272 U.S. 52, 293 (1926) (Brandeis, J., dissenting). When courts foreclose judicial review, nothing stands between *Amici* and a president willing to end their practices by threat and intimidation. Allowing that practice to continue with judicial blessing threatens the very bedrock on which our legal system stands.

CONCLUSION

These appeals represent far more than a personal grudge match between the

President and a handful of large law firms. The Executive Orders inflict real and immediate consequences on *Amici* — the solo practitioners and small firm lawyers who stand on the front lines of federal practice — and on the millions of Americans who depend on them for access to justice.

The Orders present an unconstitutional assault on the legal profession's independence, paving a path for the President to threaten any attorney with professional ruin for zealously advocating for clients and causes adverse to his administration's policies. The damage does not stop at BigLaw's door. Unlike large firms, *Amici* lack the institutional resources to defend against these attacks. Allowing these Orders to stand leaves the most vulnerable Americans without counsel, and hands any future administration a blueprint on how to silence the lawyers who dare to challenge it.

The lower courts got it right and have it right. This Court should affirm the judgments below.

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I certify that the foregoing document complies with Fed. R. App. P. 29(a)(5) and 32(a)(5)(A) because it was prepared using Times New Roman 14-point type and contains 4,668 words.

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I hereby certify that on April 3, 2026, I filed the foregoing Brief with the Court and served it on opposing counsel by filing them through the Court's CM/ECF system.

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