

American Legal Profession under Attack: Lessons from Abroad

Jasmine Cameron, Natalie Landau, Jessica So, and Zamira Djabarova

Today we celebrate [Law Day](#), established by President Dwight D. Eisenhower in 1958 to celebrate the rule of law and to recognize the importance of the legal processes that protect our liberty, safeguard fundamental freedoms, and ensure justice. This year, Law Day is particularly significant as both the independence of the legal profession and the rule of law in the United States are under attack.

The [suppression](#) of the legal profession elsewhere is not a new phenomenon. The American Bar Association's Center for Human Rights (ABA CHR) has documented attacks against the legal profession all around the world. From Poland and Hungary to Guatemala, Zimbabwe, Serbia, Russia, Belarus, Azerbaijan, and Kyrgyzstan, authoritarian governments have systematically targeted lawyers, judges, and prosecutors in retaliation for their professional work. Authorities use a variety of formal and informal tactics to harass and intimidate legal professionals, including: 1) Weaponizing the legal system, including through the misuse of criminal and civil lawsuits; 2) interfering with lawyers and judges' ability to practice their profession through meritless disciplinary measures and disbarment, or by damaging the legal professional's reputation through smear campaigns and public accusations; and 3) threatening physical harm and violence. Lawyers who represent political opponents, journalists, or activists, and judges who act independently and issue decisions that are contrary to government interests are particularly targeted. These attacks not only create a significant chilling effect on the independence of the legal profession, but they also seriously undermine the rule of law. This, in turn, affects every aspect of our lives, including good governance, business, and a secure society.

Comparatively, the United States has a long tradition of an independent legal profession. However, recent developments mark a troubling shift. Legal professionals, regardless of the area of law they practice, [increasingly face](#) political retaliation, intimidation, and institutional pressure from the government. This signals an alarming departure from established democratic norms and raises concerns about the integrity of the rule of law.

Federal judges are [reported](#) to be experiencing a significant rise in threats, particularly those who preside over cases involving executive actions. High-profile figures have [publicly disparaged](#) judges, labeling them as "corrupt," "radical," and even "evil." There have even been calls for the [impeachment](#) of judges who refuse to yield to the administration.

Federal prosecutors have also faced retaliation. [More than a dozen federal prosecutors](#) involved in criminal investigations of the Trump administration were abruptly fired. More recently, three federal prosecutors were [compelled to resign](#) after opposing the Justice Department's decision to drop corruption charges against New York City Mayor Eric Adams. Additionally, the Trump administration launched a [criminal inquiry](#) into New York Attorney General Letitia James, the lead prosecutor in the civil fraud case against him regarding alleged business misconduct. Many other prosecutors within the Department of Justice have left their positions as the DOJ takes on a more partisan, politically motivated agenda.

It's not just those within the judicial system who are feeling the pressure; both private-sector and public-interest lawyers are feeling targeted as well. The administration has singled out a number of prominent law firms and advocacy organizations for their previous work and because they are challenging numerous new policies and executive orders, such as the dismantling of foreign aid;

defunding of diversity, equity, and inclusion (DEI) initiatives; and attempts to end birthright citizenship.

For decades, the ABA has provided legal assistance to lawyers, prosecutors, and judges worldwide to support the legal profession and strengthen the rule of law. We understand that the independence of the legal profession is crucial for safeguarding the rule of law. When the rule of law is undermined, corruption can permeate every aspect of society. Most importantly, individuals suffer when their rights are not protected.

Through the [Justice Defenders program](#), ABA CHR provided extensive support to legal professionals who have endured similar or even worse political pressures, physical threats, harassments, and prosecutions. Now it is time for us to heed their advice and guidance—based on their lived experiences—about how we can counter the growing challenges to the rule of law and judicial independence in the United States.

The first advice comes from **Belarus**, where the ABA has long supported [Belarusian lawyers](#) facing state repression. Since 2010, hundreds have been prosecuted or disbarred for representing opposition figures and activists. Following the 2020 election, the [crackdown](#) escalated: over 30,000 people were detained, and nearly 1,200 remain political prisoners. At least [141 lawyers](#) have been disbarred; 23 were detained, 11 convicted, and 6 are currently imprisoned. Bar associations, under the control of the Ministry of Justice, conduct rushed disciplinary hearings to punish politically active lawyers.

Natalia Matskevich, a well-known lawyer who represented opposition leaders and a Belarusian Nobel laureate, was disbarred and forced into exile. Her message is clear: “Democracy and the rule of law are not a gift. Lawyers are the last bastion of truth and law. In an environment where lawlessness becomes the norm, lawyers must choose—[whether] to comply and preserve their well-being for a short while, or to stand by their principles and face the risks.” She urges American legal professionals to choose the latter, to unite in solidarity, and above all, “not to lose hope.”

The second advice comes from **Poland**, where the ABA has been [supporting judicial independence](#) since 2015. Then, shortly after the right-wing populist Law and Justice party assumed control, Poland experienced a significant [erosion of judicial independence](#). The government enacted more than a dozen legislative measures aimed at [restructuring the judiciary](#). Judges who defended the rule of law or were critical of these changes faced extensive harassment, ranging from disciplinary proceedings and professional retaliation to online abuse and state-sponsored smear campaigns. However, the 2023 parliamentary elections [ushered in a new and more liberal government](#). Since then, the government has attempted to restore the rule of law by reforming the judiciary and introducing [draft laws](#) on restoration of constitutional order in the judiciary.

Given these hopeful developments, insight from Polish lawyers may be particularly relevant. **Judge Monika Frąckowiak**, who was harassed for opposing these reforms, emphasizes the power of solidarity: “We supported one another in the darkest moments. That unity gave us strength.”

To summarize this advice and insights shared by our colleagues from abroad, American lawyers, judges, and prosecutors—whether acting as a firm, agency, or an individual—should:

- Uphold the rule of law not only in the courtroom but also in broader public life, safeguarding democratic principles and constitutional rights.
- Refuse to remain silent in the face of injustice and have the courage to stand up to any regime or authority that seeks to undermine judicial independence or dismantle the foundations of the rule of law.
- Build strong networks and coalitions across professions and borders to provide mutual support, share best practices, and coordinate strategic resistance against pressures.

- Promote solidarity with legal professionals facing repression—both at home and abroad—by amplifying their voices, defending their integrity, and advocating for their protection.
- Engage the public and educate society about the importance of an independent legal profession and dangers of its politicization, thereby reinforcing public trust in democratic institutions.
- Document and expose abuses through legal channels, media, and international forums to ensure accountability and maintain historical truth.

In following this advice, we not only protect our own democratic institutions, but also stand in solidarity with those around the world who continue to fight for justice, accountability, and the rule of law.

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