

In Suits and Ties, Lawyers Protest Trump's Attacks on the Legal System

The National Law Day of Action, which drew roughly 1,500 people in New York City, was organized to resist the president's threats against judges and the nation's jurisprudence.



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By Santul Nerkar

May 1, 2025

The crowd of protesters that packed Foley Square in downtown Manhattan on Thursday was as raucous as any demonstration in a politically vociferous city. It was, however, decidedly more wonky and dapper.

About 1,500 demonstrators, many of them lawyers sporting business attire, jammed the plaza outside Manhattan's federal courthouse as part of the National Law Day of Action, chanting in favor of the rule of law and hoisting pocket Constitutions to the sky.

It was one of around 50 similar actions around the nation on Thursday, led by lawyers who said President Trump was threatening the foundation of America's legal system.

"The rule of law protects us all. Without it we will surely fall," the crowd chanted.

In his second term, Mr. Trump has aimed to hobble elite law firms, threatened to impeach judges and ignored their orders. For many in the profession, his actions have presented an unpalatable choice between compromising their values by staying silent and facing professional risk by speaking out.



A growing number of lawyers see a moral imperative in choosing the latter option. They believe Mr. Trump's crusade is threatening not just their livelihoods, but a system to which they have devoted their lives. On Thursday, thousands of lawyers were expected to protest at federal courthouses in New York, Chicago and San Francisco — roughly 50 cities in all.

In interviews, attendees in New York pointed to actions such as Mr. Trump's targeting of law firms, wrongful deportations and the arrest of a Wisconsin judge on charges of obstructing immigration enforcement.

"I'm horrified by what's going on," said James Kainen, 71, a law professor at Fordham University and a former assistant U.S. attorney in the Southern District of New York. "We had ethics. We prosecuted people because they violated the law, not because they angered somebody for some ridiculous reason."

Organizers of the Foley Square rally instructed attendees to dress "as if they were appearing in court," and encouraged them to carry pocket Constitutions.

"We want people to see that we treat this issue with utmost respect," said Ronald C. Minkoff, a defense lawyer and an organizer. "This is like the courtroom to us."

It was not exactly an untrammelled street protest. The jurists voiced their disapproval by ceremonially reaffirming their oath to uphold the rule of law and reciting the Pledge of Allegiance. But the fact that lawyers were demonstrating at all, organizers said, underscored the seriousness of the moment.

"If lawyers are taking to the streets, it means something very serious and bad is happening," said Traci Feit Love, the executive director of Lawyers for Good Government, a nonprofit that helped coordinate the events.

The president's targeting of elite firms was a particular focus. Mr. Trump has unleashed a flurry of executive orders aimed at crippling firms he says have used the justice system against him. The orders have limited the firms' access to federal buildings and canceled their government contracts.

In March, some started cutting deals, pledging pro bono legal support for Mr. Trump's causes in exchange for relief from his executive actions. Angered by the capitulations, organizations such as the New York County Lawyers Association and the New York Civil Liberties Union started discussing ways to stand up.

"It feels a little bit like I imagine it felt in the McCarthy era," said Dawn Cardi, a defense lawyer who helped organize the New York event.

Since the rally was first envisioned, a growing number of firms have fought back, calling Mr. Trump's actions unconstitutional. Last week, lawyers for Perkins Coie and WilmerHale, both targeted by Mr. Trump, asked the courts to permanently block the orders. Hundreds of firms have signed briefs backing Perkins Coie. A federal judge stopped Mr. Trump from targeting the firm Susman Godfrey, calling it "a shocking abuse of power."

J.B. Howard, a counsel in global litigation at Cadwalader, resigned after that firm made a deal with Mr. Trump.

In an interview, Mr. Howard, 61, stressed that he was not angry at his firm for its decision. But he said that he feared the consequences for his profession, and worried about the example he would set for his son, a law student, if he continued to work for a firm that had capitulated.

"I just can't be a practicing lawyer feeling as though I have abandoned a sacred obligation," Mr. Howard said. On Thursday, he attended a Law Day event in Denver, where more than 100 lawyers retook their oaths at the federal courthouse.

Addressing protesters outside the U.S. Supreme Court in Washington, Representative Jamie Raskin, Democrat of Maryland, recited the preamble of the Constitution.

"The whole country needs a constitutional refresher," said Mr. Raskin.

Underneath the glassy facade of the federal district courthouse in the heart of Los Angeles, Chief District Judge Dolly Gee instructed lawyers in a crowd of more than 100 people to raise their right hands.

“I do solemnly swear that I will support and defend the Constitution of the United States,” the lawyers repeated.

Junior lawyers and students have been outspoken about their outrage, even as they acknowledge the professional risks.

A group of Georgetown University law students created a spreadsheet of firms that color-codes them by whether they’ve capitulated to Mr. Trump, an effort first reported by the site All Rise News. In April, three students sued the Equal Employment Opportunity Commission, asking a federal court to bar firms from handing over sensitive information about employees.

On Tuesday, more than 1,000 law students filed a brief supporting Susman Godfrey. Sam Haddad, a second-year law student at Yale Law School who signed the brief, said he was apprehensive about his career path.

“I now understand that legal professionals can hesitate, or worse, capitulate when the crisis is clear and the need to respond is unambiguous,” Mr. Haddad, who worked at Susman as a fellow last summer, said in an interview.

Mr. Howard said that the firms’ decisions would cost them in the fullness of time.

“These firms that are capitulating are kind of toxic to young lawyers and the next generation of lawyers,” he said.

Hope Elizabeth Guzzle, a first-year law student at Fordham who attended the New York rally, said the attack on legal norms had helped persuade her to pursue a career in public interest law.

“The one place where there is still concern for norms and fighting back is in the law,” said Ms. Guzzle, 24, who wore courtroom attire.

In Los Angeles, Michele Anderson, a former prosecutor, said jurists were uniquely positioned to preserve American jurisprudence.

“If lawyers cannot stand up for the rule of law and for justice, who can?” Ms. Anderson said.

“We will not cower to a tyrant,” she added.

Orlando Mayorquín contributed reporting from Los Angeles.

Santul Nerkar is a Times reporter covering federal courts in Brooklyn.

A version of this article appears in print on , Section A, Page 12 of the New York edition with the headline: In Foley Square, Lawyers Rally to Support the Rule of Law