

# Legal groups resist Trump authoritarian moves with pro bono work

Groups of lawyers battling to get clients' jobs back, avoid prosecutions or recoup money that has been illegally blocked

As the Trump administration has fired federal employees and top officials for political reasons, blocked millions of dollars Congress appropriated and flouted legal norms, several legal outfits are providing crucial pro bono and other help to many individuals hurt by Donald Trump's authoritarian actions, say lawyers involved and ex-prosecutors.

Lowell & Associates, Democracy Defenders Fund and the Washington Litigation Group, are among the leading legal groups with clients battling to get their jobs back, avoid prosecutions, or recoup millions of dollars that have been illegally blocked, say attorneys with the trio and experts.

Veteran white-collar lawyers, ex-justice department (DoJ) prosecutors and other legal talent at these firms are representing prominent figures Trump's administration has fired to settle political scores, ex-officials his administration has launched investigations into, and scores of other officials ousted without cause, say lawyers.

Former DoJ prosecutors credit these smaller legal outfits for challenging administration moves that jeopardize the rule of law

"The creation of these new entities reflects a broad-based professional revulsion at the ongoing efforts to undermine the rule of law by the Trump administration, including turning the DoJ into an extension of the White House rather than a department that is faithful to the facts and the law," said ex-DoJ inspector general Michael Bromwich.

These newer legal outfits in some ways are also helping fill a vacuum created by Trump's pressure tactics on several major law firms with some Democratic ties which led them to agree to provide hundreds of millions in pro bono help to administration priorities.

Nine big law firms, including Paul Weiss and Kirkland & Ellis, struck deals with Trump in the first months of his second term to avert an executive order that would have made it very hard for them to represent their clients. In total, they agreed to provide almost \$1bn in pro bono help to administration priorities including fighting antisemitism and veterans issues, the New York Times has reported.

A few lawyers have left these large firms including Skadden Arps and Milbank in recent months to join the smaller legal outfits now challenging Trump administration actions.

Consider Lowell & Associates which was started this spring by prominent white collar attorney Abbe Lowell and has quickly amassed several very high profile clients suing the Trump administration in cases involving alleged politically motivated firings.

Lowell, in tandem with an attorney for the FBI Agents Association, filed a major lawsuit on 10 September against the FBI director, Kash Patel, and other senior administration officials on behalf of two ex-senior officials, Brian Driscoll Jr and Steven Jensen, who were canned early this year they alleged in a politically driven purge.

Separately, Lowell teamed up with Democracy Defenders Fund in August to challenge Trump's efforts to fire Federal Reserve Board governor Lisa Cook, as Trump sought to exert control over the historically independent Fed.

Two courts this month ruled against the administration which temporarily blocked Cook's firing and allowed her to stay in her post for a pivotal Fed meeting on 16 and 17 September; the administration on the 18th appealed its case to the supreme court.

On another legal front, Democracy Defenders Fund won a major court ruling on behalf of AmeriCorps which it represented as counsel: a district court in July ruled that hundreds of millions of dollars Congress appropriated, but the administration nixed for AmeriCorps, should be restored.

Meanwhile, the Washington Litigation Group which was launched in August has already been tapped by about a dozen fired DoJ employees for legal help. It was formed by an elite group of veteran DC legal figures including former senior DoJ official Peter Keisler, retired DC judge Ellen Segal Huvelle and well-known white-collar lawyer Tom Green, who serve on an advisory steering committee.

Legal battles mounted by this trio and others involving attorneys with Democracy Forward and the Alden Law Group have helped spur a major surge in lawsuits against the administration that the New York Times in July pegged at over 400.

Given the Trump administration's widespread attacks on the rule of law, the legal battles facing these new firms and their clients are daunting and the dozens of clients they represent vary considerably, say firm leaders.

"Week after chaotic week, we are seeing an onslaught of authoritarian actions, from dismantling government agencies, to firing public servants who refuse to toe the Maga line, to militarizing the police in Washington DC" said Susan Corke, the executive director of the Democracy Defenders Fund.

"The foundations of our democracy are being chipped away in real time, and we are facing a congressional majority that refuses to act as a check on executive power. That is why legal pushback is so critical right now. The courts remain one of the last places where truth, accountability, and the rule of law still matter ... We are standing up for the principle that no one, not even a president, is above the law."

Corke's points are underscored by the big legal battles that the Fund has been waging.

In February, for instance, the Fund filed a lawsuit challenging the dismantling of USAID under the appointments clause because of the key role played by multi billionaire Elon Musk and his "department of government efficiency". The lawsuit is now a class action on behalf of thousands of USAID workers who have lost their jobs.

The Fund, founded in 2023 by ex-ambassador Norman Eisen who serves as its executive chair, also conducts investigations in matters ranging from Trump's ties to notorious sex trafficker Jeffrey Epstein to the Trump family's enormously lucrative stakes in cryptocurrency ventures.

To tackle other major legal battles sparked by Trump administration actions, Lowell created his small eponymous firm after leaving the much larger firm of Winston & Strawn where his high-profile clients included former president Joe Biden's son Hunter, as well as Trump's daughter Ivanka and her husband Jared Kushner.

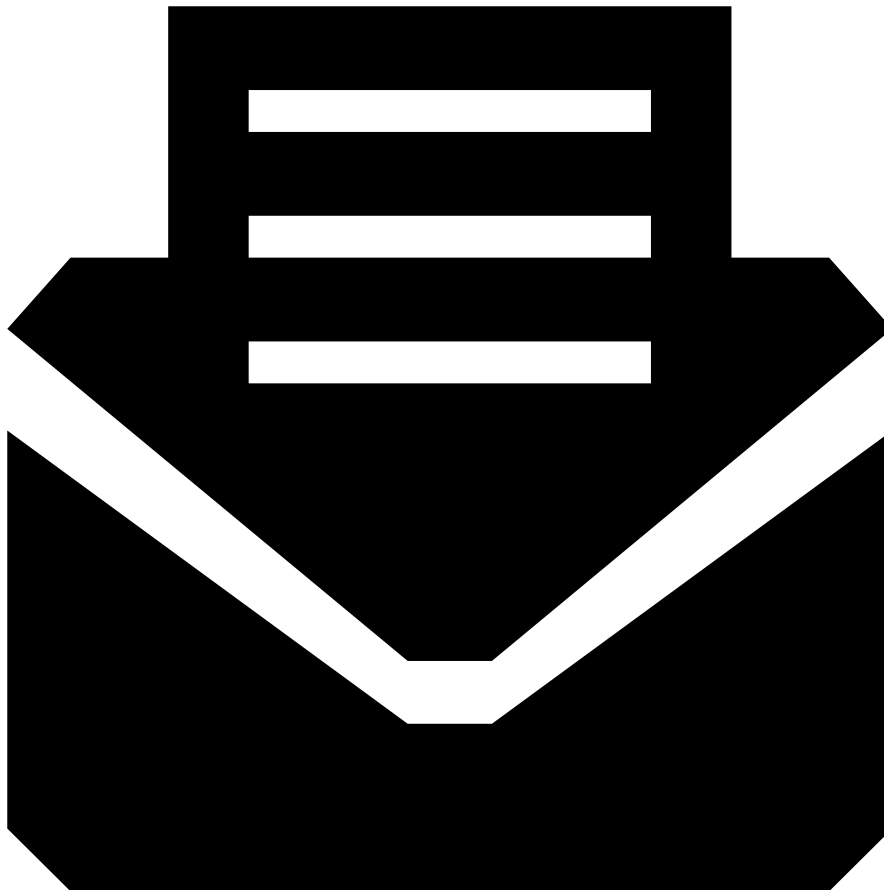
In a statement when the firm launched, Lowell said its mission would entail defending clients including institutions, individuals and others that are "facing politicized investigations, civil and administrative actions".

Lowell's firm has been on a roll signing up several leading figures who the Trump administration has either fired or tried to oust. Lowell has been representing Susan Monarez, the ex director of the Centers for Disease Control and Prevention who was fired by the White House last month: Monarez told a Senate panel on 17 September that her firing came after health and human services secretary Robert F Kennedy Jr, a well-known vaccine sceptic, pressured her unsuccessfully to oust career scientists and pre approve vaccine recommendations for the public.

In another high-stakes battle, Lowell and Democracy Defenders Fund filed successfully for a temporary restraining order with DC federal court on 2 September to block Trump's firing of Cook on the grounds that he doesn't have the authority to do so.

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Another client is the New York attorney general ,Letitia James, who the justice department has been investigating for alleged mortgage fraud which James has denied. Trump has long deemed James a political foe for bringing a successful civil fraud case against Trump's real estate empire last year with a \$500m penalty. The penalty was overturned last month, but Trump and his two eldest sons remain barred from serving in leadership posts for a few years.

Last month too Lowell was hired to represent former Trump national security adviser John Bolton who became a leading critic of Trump at the end of his first term and wrote a hard hitting book about his tenure after Trump ousted him. The FBI recently raided his home amid allegations of retaining classified records.

"Any thorough review will show nothing inappropriate was stored or kept by Ambassador Bolton," Lowell said in a 4 September statement that was the first public response from Bolton's team related to the substance of the search.

Lowell's firm has also teamed up with well-known lawyer Mark Zaid to represent three fired DoJ employees; and Lowell is representing Zaid, who has prominent whistleblower clients and whose security clearance was revoked by Trump.

Lowell's small firm is staffed with several veteran attorneys who left Winston & Strawn and Skadden Arps after the latter firm cut a deal with the administration to avoid its crackdown on the legal profession.

Meanwhile, the even newer Washington Litigation Group is relying on four attorneys to handle its growing volume of cases, said steering committee member and senior counsel Nathaniel Zelinsky.

The firm's other lawyers are James Pearce and Mary Dohrmann, who were part of special counsel Jack Smith's team that brought charges against Trump for election subversion drive after his 2020 election loss and his retention of hundreds of classified documents after he left office, and DoJ veteran Samantha Bateman.

"In an environment where the executive branch has targeted law firms, the WLG stands ready to provide pro bono representation for those seeking to vindicate the rule of law," said Pearce.

The firm has already filed a successful amicus brief on behalf of the Criminal Defense Lawyers of New Jersey challenging Trump's naming of Alina Habba, an ex-defense lawyer for Trump, to be US attorney for New Jersey after a very brief stint as interim US attorney.

In late August, a federal judge ruled in their favor declaring that Habba's appointment was illegal which the government quickly appealed.

"The president's efforts to install Alina Habba – like his attempt to purge the civil service of non-partisan public servants—are designed to mold the government into his image and undermine the rule of law," said Zelinsky.

The firm has also been representing about a dozen justice department officials and employees who have been fired, often without cause or explanation, since Trump took office again. One such client is Tara Twomey, a career civil servant who was director of the executive office of the US Trustee program at DoJ which oversees bankruptcy cases and private trustees for about two years until her March firing.

“The legal issue in these cases involving fired DoJ employees is not just limited to them,” said Zelinsky. “The question is whether the President can fire every single employee in the Federal government – down to the person sweeping the floors – in violation of the laws Congress passed ensuring a professional, non-partisan civil service.”

Former DoJ officials say these newer legal shops are badly needed to counter administration attacks on the rule of law.

“The DoJ and the FBI are targeting people rather than crimes, and there is a vast need for lawyers to represent individuals and institutions that are under attack by the administration on multiple fronts,” said Bromwich.

A senior counsel with Steptoe, Bromwich has represented pro bono some clients ousted at DoJ including the former pardon attorney Elizabeth Oyer, who has been battling to get her job back with help from Democracy Defenders Fund and others.

Similarly, Daniel Richman, a Columbia law professor and ex-federal prosecutor, said: “It’s heartening but not surprising that a number of respected lawyers have put political differences aside to defend the governmental institutions they value and the individual government officials who have fallen victim to the Trump administration’s assaults on those institutions.

“Any retaliation by the administration against those lawyers or their clients may hurt them economically, but I’d like to think the profession values those with the law on their side who stand up to lawless and often vindictive executive action.”