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WLF Urges D.C. Circuit to Strike Down Executive Orders Targeting Law Firms *(Perkins Coie v. U.S. Department of Justice)*

“Markets and Madison point in the same direction. The executive orders are unlawful.”

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the D.C. Circuit to affirm four lower court decisions enjoining executive orders that singled out major law firms for selective punishment.

The dispute arose from four executive orders (EOs) citing the firms’ past pro bono representations to justify hobbling those firms and their attorneys. Specifically, attorneys at those firms could lose valuable security clearances, be excluded from federal buildings, and barred from communicating with federal employees. The firms would be subject to unusual scrutiny for representing clients in the federal contracting process. Separate district court orders permanently enjoined the EOs from being enforced. The Department of Justice appealed.

As WLF’s amicus brief explains, these executive orders impermissibly pick winners and losers in the market for sophisticated legal services and signal that success in that market depends on political favor with the administration of the day. The orders also violate the First Amendment, which protects the right to provide effective legal representation. As the brief notes, “if these executive actions are lawful, tomorrow’s administration could target any firm whose lawyers once represented the ‘wrong’ clients: energy companies challenging EPA rules, tech firms defending antitrust suits, manufacturers contesting trade actions, nonprofits that supported those efforts as amicus—the list goes on.”

Celebrating its 49th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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