

# THE PRIMERUS PRESS

## A steadfast alliance Various legal groups stand firm in efforts to uphold rule of law

By Tom Kirvan

By many accounts across the political spectrum, the “trial” now taking place in the world of public opinion revolves around the future of one of our most cherished governmental principles: the rule of law.

A fundamental concept of democracies around the globe, the rule of law in recent years has taken a flogging from those determined to place political aims above established and revered legal principles.

The attacks have come in many forms, particularly by means of executive orders that bypass necessary legal checks and threaten democratic governance. The undermining efforts also have been manifested via various pressure tactics designed to intimidate the judiciary, major law firms, and those who oppose the administration’s policies.

In the wake of the threats, a number of legal organizations have banded together in a concerted effort to ride to the rescue of a justice system that is under assault. Among the chief defenders are the American Bar Association, the Brennan Center for Justice, and the Lawyers Defending American Democracy, three organizations aligned by a mission to preserve our freedoms and liberties.

ABA President Michelle Behnke, a member of the Boardman Clark law firm in Wisconsin, is mindful of the challenges in the battle ahead for the legal sector.

“There were attacks on the judiciary, attacks on the profession, and attacks on the independence of the Department of Justice,” Behnke wrote recently, reflecting on the past year. “There were efforts to end diversity, equity, and inclusion programs, many of which our profession relies on to ensure that pathways to legal careers are open to all and that equal justice under the law is available to everyone.

“The good news is that the American Bar Association – through our broad and diverse network of members, entities, and national and international partners – works each day to uphold the rule of law, defend the independence of the judiciary, and preserve the integrity of the legal profession,” Behnke noted.

“The ABA will not let attacks on the rule of law become acceptable or normalized,” she declared. “We will not grow tired and weary. Just as 25 lawyers who signed the Declaration of Independence did 250 years ago, we will remain vigilant and engaged with the work ahead. We will persevere.”

Behnke said the ABA has filed a number of lawsuits against the government “for what we believe to be wrongful actions,” including the termination of congressionally approved and funded grants for the ABA to promote the rule of law internationally and to combat domestic violence and sexual assault in the United States.

“We also filed suit against the government seeking to halt the Law Firm Intimidation policy it has used to restrain law firms that represent issues that elected and appointed officials may disfavor,” Behnke indicated.



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Additionally, the ABA created a Center for Civic Engagement, Education and the Rule of Law, bringing together “individual ABA practice groups and committees to work collaboratively to increase civic engagement and education and increase efforts to support and defend the rule of law both at home and abroad,” according to Behnke.

The Brennan Center for Justice, a nonpartisan law and policy institute, also has been on the front line of the ongoing battle for government reform, focusing its attention on upholding democracy and equal justice ideals. The Center was established in 1995 by former clerks and the family of Justice William J. Brennan Jr., who served on the U.S. Supreme Court from 1956-90.

Leading the charge for the Brennan Center has been its president, attorney Michael Waldman, a former presidential speechwriter who was involved in the writing and editing of four State of the Union addresses.

“The Brennan Center is fighting to renew America’s longstanding commitment to the rule of law and ensure that government officials serve the public interest,” Waldman said.

“The Trump administration laid bare many longstanding vulnerabilities and opportunities for abuse of power in our system of governance,” Waldman maintained. “Unchecked presidential conflicts of interest, interference from the White House in cases at the Justice Department, politically motivated meddling in scientific research at environmental and public health agencies, and the subversion of the confirmation process for political appointees are among the abuses we have catalogued across presidential administrations.

“In almost every case, the only safeguards against these abuses are unwritten rules,” Waldman continued. “Now is the time to reinforce these guardrails and restore public trust in government. To that end, the Brennan Center convened a task force of former government officials who have served in both Republican and Democratic presidential administrations to advise on a comprehensive agenda for legislative action to uphold the rule of law.”

It is incumbent upon Congress, according to Waldman, to pass key reforms included in the Protecting Our Democracy Act.

“These would be important steps toward preventing presidents and other executive branch officials from abusing their power by making it possible to enforce the Constitution’s emoluments clauses, making it more difficult for the White House to interfere in federal law enforcement at the Department of Justice, and bringing much-needed transparency to the presidential pardon process.

“If we do our part, we can help make this challenging moment the start of a new era of renewal for our country,” Waldman said.



Lawyers Defending American Democracy (LDAD), a coalition of attorneys formed in 2019, has been steadfast in protecting the rule of law and the norms and principles that are foundational to a civil society.

In recent months, LDAD launched “Meeting the Moment – A Call for Lawyers to Lead.” The initiative is an organized effort to encourage and support lawyers to use their skills and expertise to engage their communities in real-world action to educate the public on the importance of the rule of law and the core principles that make the American way of life possible.

In its most recent annual report, LDAD officials didn’t mince words in urging members of the legal profession to show their true colors.

“Since our founding, LDAD has worked to hold accountable those who breach their obligations as attorneys and undermine the rule of law,” according to the 2025 report. “Part of LDAD’s focus has been not only to articulate and emphasize these principles, but also to take action to ensure they are more than just theoretical constructs. We have worked with leading experts to file ethics complaints against lawyers who violated the Rules of Professional Conduct. We worked with renowned scholars to file amicus curiae in federal courts opposing lawless government actions. We shared our message in the press and opinion columns; presented in classrooms and to professional audiences; and collaborated with other democracy organizations.”

And despite that progress, LDAD officials claim that “too many lawyers, law firms, and law schools remain silent – and, through their silence, are complicit” in unjust acts.

“Too many people still believe the embrace of dishonesty and the undermining of institutions is just ‘politics as usual,’” LDAD

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officials wrote in the annual report. "And too many lawyers similarly argue that taking sides in a struggle to defend the centuries-old values of individual liberties and restraints on executive power is somehow engaging in politics.

"LDAD's message is simple: Adhering to these principles is not optional. It is our obligation to live up to the oath we took to become an attorney. We welcome, admire, and will do all that is in our power to support those who join the struggle to protect our justice system and the rule of law. You are not alone."

