Detroit Legal News.

News you cannot get anywhere else.
www.legalnews.com

Vol. CXXX, No. 68 | **Friday, April 4, 2025** | 75 Cents

DAILY BRIEFS

ABA issues Formal Opinion 516 on terminating representation without 'material adverse effect'

The American Bar Association Standing Committee on Ethics and Professional Responsibility released Wednesday a formal opinion that provides guidance to lawyers seeking to end a representation under Rule 1.16(b)(1). The opinion addresses the meaning of the rule's phrase "material adverse effect on the interests of the client" and provides a framework for analyzing when and whether such an effect prevents a lawyer from withdrawing.

Formal Opinion 516 explains that a lawyer's withdrawal would have a "material adverse effect on the interests of the client" if it would result in significant harm to the forward progress of the client's matter, significant increase in the cost of the matter or significant harm to the client's ability to achieve the legal objectives that the lawyer previously agreed to pursue in the representation.

The opinion notes that "a lawyer may be able to remediate these adverse effects and withdraw in a manner that avoids or mitigates the harm that the rule seeks to prevent." It also provides that the "lawyer's motivation for withdrawal is not relevant under Model Rule 1.16(b)(1). Therefore, under the model rules, if the lawyer's withdrawal does not cause 'material adverse effect' to the client's interests in the matter in which the lawyer represents the client, a lawyer may withdraw to be able to accept the representation of a different client, including to avoid the conflict of interest that might otherwise result."

The opinion concludes that "Ideally, lawyers will exercise care and thoughtfulness in deciding whether to accept an engagement and will generally refrain from ending a relationship without good cause, whether out of a sense of obligation, loyalty to the client or professional pride. But even careful lawyers may occasionally desire to end a representation …"

Two of the 10 members of the standing committee offered a written dissent to Formal Opinion 516 arguing the opinion is incomplete and should have provided additional guidance.

'Finance Happy Hour' hosted by SABA April 16

The South Asian Bar Association of Michigan will present a "Finance Happy Hour" on Wednesday, April 16, from 5:30 to 7:30 p.m. at Maggiano's, 2089 W. Big Beaver Rd. in Troy.

The event will feature Raj Shah, wealth management advisor with Northwestern Mutual.

To register for the happy hour, email michigansaba@gmail.com.

INSIDE DLN

6 56525 10151 9

Supreme Court: The smell of marijuana alone is insufficient for probable cause

Decision to overturn 2000 ruling in People v Kazmierczak *affirmed*

By Ben Solis
Gongwer News Service

A 25-year-old precedent that allowed the smell of marijuana – without any other factor – to be a sufficient reason for probable cause is no longer good law in light of the Michigan Regulation and Taxation of Marihuana Act, the Supreme Court ruled in a 5-1 decision released Wednesday.

In an opinion written by Justice Megan Cavanagh, the majority in *People v. Armstrong* (MSC Docket No. 165233) affirmed the Court of Appeals' decision to overturn the Supreme Court's 2000 ruling in *People v Kazmierczak*.

The majority consisting of Cavanagh, Chief Justice Elizabeth Clement, Justice Richard Bernstein, Justice Elizabeth Welch Justice Kyra Harris Bolden also affirmed the Wayne Circuit Court's decision to grant a motion to suppress evidence of a gun discovered during the traffic stop at the heart of the case. Cavanagh said there was no plain error in the trial court's finding that the gun was not discovered in plain view, making the search unconstitutional during a traffic stop that was already unconstitutional because it was predicated only on the smell of marijuana present in the vehicle.

Justice Brian Zahra dissented, holding the lower courts failed to consider whether the handgun could have been discovered in plain view and if that left open the possibility that the smell of marijuana was not the only valid evidence supporting probable cause.

The case involved Jeffrey Armstrong, who was charged with carrying a concealed weapon, a felon in possession of a weapon and felony firearm. The gun was found underneath the passenger seat of a vehicle where Armstrong was sitting but not driving.

Police initiated the stop because the officer claimed she smelled marijuana emanating from the vehicle. Armstrong moved to suppress evidence of the gun, arguing it was the fruit of a search that violated his Fourth Amendment rights.

It was the prosecution that invoked *Kazmierczak* in the trial court, but the judge ruled that the officer needed probable cause before asking him to exit the vehicle because he was not driving it. Further, the smell of marijuana alone was not sufficient to form a basis of probable cause and the plain-view exception in *Terry v. Ohio* did not apply, the court ruled.

The Court of Appeals in turn affirmed the decision and ruled that *Kazmierczak* was no longer good law given the fact that marijuana was no longer an illegal substance per the MRTMA, and the smell of the plant or its products are no longer indicative of illegal activity. Voters approved legalization of recreational marijuana use in 2018.

The case before the court was the first time the bench was able to reconsider the viability of the *Kazmierczak* rule following voter passage of the MRTMA.

On Wednesday, Cavanagh said the high court's majority agreed with the lower courts and further noted that there

See **MARIJUANA,** Page 5

Using international arbitration to resolve retaliatory tariff disputes in global supply chains

By Frederick A. Acomb and James L. Woolard, Jr.
Miller Canfield

As trade tensions rise, retaliatory tariffs are disrupting global supply chains—particularly in the automotive industry and other manufacturing sectors. These unexpected costs are sparking disputes over who should bear the financial burden under cross-border contracts. International arbitration is increasingly seen as the forum of choice for resolving these conflicts.

Retaliatory tariffs disrupting global supply chains

Retaliatory tariffs — duties imposed by one country in response to another's tariffs — have lately become a harsh reality. These tit-for-tat measures are upending global supply chains, especially in the manufacturing sector. Companies suddenly face higher import costs, squeezed profit margins, and unpredictable regulations as countries strike back with their own duties. The automotive industry is particularly exposed, as tariffs on steel, aluminum, or automotive parts drive up production costs and disrupt just-in-time supply lines. In short, retaliatory duties are injecting uncertainty at every tier of global manufacturing.

This uncertainty is not just an economic nuisance—it's a legal flashpoint. Contracts that once made financial sense can become unprofitable or impossible to perform when an unexpected tariff hits. Common points of contention include:

• Who pays for newly imposed tariffs—supplier or buyer?

• Can pricing be adjusted when costs spike?

• Is non-performance excused under force majeure or hardship clauses?

We've already seen cases of suppliers threatening to halt deliveries or buyers refusing shipments because a new tariff tipped a deal into the red. Such scenarios often trigger formal disputes. Many companies are discovering too late that their agreements didn't fully account for politically driven tariff shocks. In this turbulent landscape, businesses need a robust way to resolve disputes fairly and efficiently—and so they are increasingly considering international arbitration.

Why international arbitration works

International arbitration offers a neutral, enforceable, efficient, confidential, and competence-driven way to resolve these disputes:

• Neutrality. Unlike court litigation, where you might end up suing or being sued by a foreign partner in an unfamiliar legal system, arbitration provides a neutral forum agreed upon by both parties. Companies can avoid the "home court" advantage that one side would have in its local courts. In arbitration, the dispute is heard by an independent tribunal, often with arbitrators of neutral nationalities. This level playing field is crucial when a tariff dispute pits businesses from different countries against each other.

• Enforceability. Another major advantage is enforceability. An arbitration award (the final decision of the arbitrators) can be enforced almost anywhere in the world, thanks to a treaty called the New York Convention. Over 170 countries—including the U.S., EU nations, China, Mexico, and many others—are signatories to the New York Convention, which obligates their courts to recognize and enforce foreign arbitral awards. This means if a manufacturer wins an arbitration against an overseas supplier, the award can be taken to the supplier's home country and converted into a local court judgment for payment. Such global reach is not guaranteed with a normal court judgment, which might not be enforceable abroad. For businesses facing losses from a tariff dispute, knowing that any resolution will hold up internationally can be a huge relief.

• Efficiency: International arbitration is also typically faster and more flexible than litigating through court systems in multiple countries. Procedural rules can be streamlined in arbitration, which can significantly speed things along. There is

See **ARBITRATION,** Page 14

Residents reminded to report extended power outages following severe weather

As Michigan continues to endure severe weather, Michigan Attorney General Dana Nessel is urging residents to utilize the Department of Attorney General's Power Outage Credit Feedback & Inquiry Form to report extended power outages or to inquire about overdue outage credits.

Over the weekend, severe thunderstorms and high winds swept across the Lower Peninsula, while parts of Northern Michigan were hit with an ice storm. More severe weather is expected throughout the State today.

"The severe weather hitting our state has disrupted the lives of countless Michigan residents and businesses," Nessel said. "While dealing with the aftermath can be overwhelming, making sure you receive the credits you're owed should be one less thing to worry about. I encourage anyone affected by extended power outages to take advantage of available resources and fill out our credit outage inquiry form."

The Power Outage Credit Feedback & Inquiry Form provides an outlet for feedback to help the Attorney General track outage-related trends and patterns to help with her ratepayer advocacy. Consumers who believe they were owed a credit for a power outage, but didn't receive it, or received less than they believe they were owed are also encouraged to complete the form. The form is available for both residential and business customers.

The form can be found at the Department of Attorney General Utilities page at www.michigan.gov/ag/initiatives/utilities. The webpage also includes:

• Updated information on outage credit criteria for utilities regulated by the Michigan Public Service Commission (MPSC).

• Links for residents to attend meetings of, or file their own comment before, the MPSC.

• Links to the 2023 Utility Performance Report so residents can see how their provider ranks.

• Frequently Asked Questions so consumers know who to contact with concerns, how rates are determined, what options are available to consumers, and more.

• A video highlighting the Utilities Imposter Scam.

The Conversation

The story of the 22nd Amendment

By Mark Satta
Wayne State University

(THE CONVERSATION) — Only one person, Franklin Delano Roosevelt, has ever served more than two terms as president of the United States. This is for two reasons.

First, prior to Roosevelt's election to a third term in 1940 there was a longstanding American tradition that presidents not serve more than two terms.

This tradition was established by the decisions of early presidents such as George Washington, Thomas Jefferson and James Madison not to seek a third term. This tradition was later adopted by other presidents.

Second, after Roosevelt died in office in 1945 during his fourth term, Congress and the people of the United States decided to turn the long-standing tradition that presidents should not serve more than two terms into a part of constitutional law.

This was done through the passage and ratification of the 22nd Amendment, which became part of the U.S. Constitution in 1951.

Intent is clear

The key provision of the 22nd Amendment reads as follows: "No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once."

The intent is clear. No one is supposed to serve more than two full terms as president.

The only way someone can serve more than two terms is if they served less than two years in a previous term in which they weren't elected president.

Here's an example: If a vice president becomes president during the final year of a term because the president died, that vice president could still run for two terms. But that exception is still meant to bar anyone from serving more than a total of 10 years as president.

It is worth understanding why the two-term tradition was considered so important that it was turned into constitutional law the first time it was violated.

Starting the tradition

Commentators often cite George Washington's decision not to seek a third term as president as establishing the two-term tradition. Political scientist and term limit scholar Michael Korzi gives a lot more credit to the nation's third president, Thomas Jefferson.

Jefferson was outspoken in favor of the two-term tradition. As Korzi notes, this was, in part, because "Jefferson saw little distinction between a long-serving executive in an elective position and a hereditary monarch." In other words, a president without term limits is too much like a king.

Jefferson saw a president who was willing to break the two-term tradition as power hungry, and he hoped that the American people would not elect such a president. This led him to write in his autobiography in 1821 that "should a President consent to be a candidate for a 3d. election, I trust he would be rejected on this demonstration of ambitious views."

Jefferson also worried that without term limits, presidents would stay in office too long into their old age and after they had lost their ability to govern effectively. This led him to write that without term limits, there was a danger that "the

See **SATTA,** Page 11

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

Legal Affairs

Submit news & views to
bcox@legalnews.com

ANALYSIS

Supreme Court considers whether states may prevent people covered by Medicaid from choosing Planned Parenthood as their health care provider

BY NAOMI CAHN
University of Virginia
AND SONIA SUTER
George Washington University

(THE CONVERSATION) — Having the freedom to choose your own health care provider is something many Americans take for granted. But the Supreme Court is weighing whether people who rely on Medicaid for their health insurance have that right, and if they do – is it enforceable by law?

That's the key question at the heart of a case, *Medina v. Planned Parenthood South Atlantic*, that began during President Donald Trump's first term in office.

"There's a right, and the right is the right to choose your doctor," said Justice Elena Kagan on April 2, 2025, during oral arguments on the case. John J. Bursch, the Alliance Defending Freedom lawyer who is representing South Carolina Director of Health and Human Services Eunice Medina, countered that none of the words in the underlying statute had what he called a "rights-creating pedigree."

As law professors who teach courses about health and poverty law as well as reproductive justice, we think this case could affect access to health care for 72 million Americans, including low-income people and their children and people with disabilities.

Excluding Planned Parenthood

The case started with Julie Edwards, who is enrolled in Medicaid and lives in South Carolina. After she struggled to get contraceptive services, she was able to receive care from a Planned Parenthood South Atlantic clinic in Columbia, South Carolina.

Planned Parenthood, an array of nonprofits with roots that date back more than a century, is among the nation's top providers of reproductive services. It operates two clinics in South Carolina, where Medicaid patients can get physical exams, cancer screenings, contraception and other services. It also provides same-day appointments and keeps long hours.

In July 2018, however, South Carolina Gov. Henry McMaster issued an executive order that barred health care providers in South Carolina that offer abortions from reimbursement through Medicaid.

That meant Planned Parenthood, a longtime target of conservatives' ire, would no longer be reimbursed for any type of care for Medicaid patients, preventing Edwards from transferring all her gynecological care to that office as she had hoped to do.

Planned Parenthood and Edwards sued South Carolina, claiming that the state was violating the federal Medicare and Medicaid Act, which Congress passed in 1965, by not letting Edwards obtain care from the provider of her choice.

A 'free-choice-of-provider' requirement

Medicaid operates as a partnership between the federal government and the states. Congress passed the law that led to its creation based on its power under the Constitution's spending clause, which allows Congress to subject federal funds to certain requirements.

Two years later, due to concerns that states were restricting which providers Medicaid recipients could choose, Congress added a "free-choice-of-provider" requirement to the program. It states that people enrolled in Medicaid "may obtain such assistance from any institution, agency, community pharmacy, or person, qualified to perform the service or services required."

This provision is at the core of this case. At issue is whether a civil rights statute provides a right for Medicaid beneficiaries to sue a state when their federal rights have been violated. Known as Section 1983, it was enacted in 1871.

Bursch, backed by the Trump administration, argued before the court that the absence of words like "right" in the Medicaid provision that requires states to provide a free choice of provider means that neither Edwards nor Planned Parenthood has the authority to file a lawsuit to enforce this aspect of the Medicaid statute.

Nicole A. Saharsky, Planned Parenthood's lawyer, argued that the creation of a right shouldn't depend on "some kind of magic words test." Instead, she said it was clear that the Medicaid statute created "a right to choose their own doctor" because "it's mandatory" that the state provide this option to everyone with health insurance through Medicaid.

She also emphasized that Congress wanted to protect "an intensely personal right" to be able "to choose your doctor, the person that you see when you're at your most vulnerable, facing … some of the most significant … challenges to your life and your health."

Restricting Medicaid funds

Through a federal law known as the Hyde Amendment, Medicaid cannot reimburse health care providers for the cost of abortions, with a few exceptions: when a patient's life is at risk or her pregnancy is due to rape or incest. Some states do cover abortion when their laws allow it, without using any federal funds.

Therefore, Planned Parenthood only gets federal Medicaid funds for abortions in those limited circumstances.

McMaster explained that he removed "abortion clinics," including Planned Parenthood, from the South Carolina Medicaid Program because he didn't want state funds to indirectly subsidize abortions.

South Carolina "decided that Planned Parenthood was unqualified for many reasons, chiefly because they're the nation's largest abortion provider," Bursch told the Supreme Court.

But only 3% of Planned Parenthood's services nationwide last year were related to abortion. Its most common service is testing for sexually transmitted diseases. Across the nation, Planned Parenthood provides health care to more than 2 million patients per year, most of whom have low incomes.

Section 1983

Because the Medicaid statute itself does not allow an individual to sue, Edwards and Planned Parenthood are relying on Section 1983.

Lower courts have repeatedly upheld that the Medicaid statute provides Edwards with the right to obtain Medicaid-funded health care at her local Planned Parenthood clinic.

And the Supreme Court has long recognized that Section 1983 protects an individual's ability to sue when their rights under a federal statute have been violated.

In 2023, for example, the court found such a right under the Medicaid Nursing Home Reform Act. The court held that Section 1983 confers the right to sue when a statute's provisions "unambiguously confer individual federal rights."

Consequences beyond South Carolina

The court's decision in the Medina case on whether Medicaid patients can choose their own health care provider could have consequences far beyond South Carolina. Arkansas, Missouri and Texas have already barred Planned Parenthood from getting reimbursed by Medicaid for any kind of health care. More states could follow suit.

In addition, given Planned Parenthood's role in providing expansive contraceptive care, disqualifying it from Medicaid could harm access to health care and increase the already-high unintended pregnancy rate in America.

The ramifications, likewise, could extend beyond the finances of Planned Parenthood.

If the court rules in South Carolina's favor, states could also try to exclude providers based on other characteristics, such as whether their employees belong to unions or if they provide their patients with gender-affirming care, further restricting patients' choices.

Or, as Kagan observed, states could go the opposite direction and exclude providers that don't provide abortions and so forth. What's really at stake, she said, is whether a patient is "entitled to see" the provider they choose regardless of what their state happens to "think about contraception or abortion or gender transition treatment."

If the Supreme Court rules that Edwards does have a right to get health care at a Planned Parenthood clinic, the controversy would not be over. The lower courts would then have to decide whether South Carolina appropriately removed Planned Parenthood from Medicaid as an "unqualified provider."

And if the Supreme Court rules in favor of South Carolina, then Planned Parenthood could still sue South Carolina over its decision to find them to be unqualified.

Associations invite students to take part in Drum Major For Justice Competition

The D.Augustus Straker Bar Association, Wolverine Bar Association, and the Association of Black Judges of Michigan invite high school students to participate in the Martin Luther King Jr. Drum Major For Justice Competition.

The competition is designed to motivate high school students to excel in education and encourage them to express their written and oral views on a pre-selected topic to compete for several scholarships totaling more than $5,000.

Written essays are due by Monday, April 28. The oral advocacy competition will take place Saturday, May 3.

To register or for additional details, visit https://strakerlaw.org/meetinginfo.php. Anyone with questions may email nscalhoun@gmail.com or angelaenoch@yahoo.com.

ARBITRATION:
Consider adding an arbitration clause to your agreements

From Page 1

only a limited right to appeal. Many arbitral institutions have expedited rules, and some allow the parties to resolve their disputes remotely via Teams or Zoom.

• Expertise: The fact that parties can select arbitrators with industry experience can also help to resolve disputes more quickly than in court. An arbitrator who understands customs duties, supply chains, manufacturing timelines, the auto industry, and standard international commercial terms will grasp the issues more quickly than most judges and juries. Arbitrators with relevant expertise can expeditiously determine whether a dispute can be resolved with money damages, or whether it instead should be resolved with emergency interim relief such as a temporary restraining order or preliminary injunction, both of which arbitrators typically have the power to award.

• Confidentiality: Unlike litigation in court, arbitration proceedings are private and confidential by default, which helps companies manage sensitive commercial issues outside the spotlight.

Practical steps for companies to protect themselves

In the short term, you should consider adding an arbitration clause to your agreements or updating the one you already have. Alternatively, if you're already in the midst of a dispute, and you don't have an arbitration clause in your supply agreement, you and your counterparty can nevertheless agree to arbitrate your dispute. Ask your lawyer to help you select the arbitration rules and institution—such as the International Chamber of Commerce, International Centre for Dispute Resolution, or Singapore International Arbitration Centre, among others—that best fit your needs.

Select the governing law carefully. The governing law is the national law that will be used to interpret the contract. This is important if, for instance, you want a legal system that recognizes sudden tariffs as a valid reason to adjust obligations, or, conversely, one that enforces contracts strictly.

Select the seat of arbitration (legal place of the arbitration) carefully. The seat determines the procedural framework, and which courts have limited oversight of the arbitration. Choose a seat in a neutral, arbitration-friendly jurisdiction such as New York, London, Singapore, or Geneva.

Retaliatory tariffs are likely to remain a feature of international trade for the foreseeable future, and global manufacturers—especially in industries like automotive, where supply chains cross many borders – will continue to feel the effects. International arbitration has emerged as a critical tool for resolving the disputes that inevitably arise from these trade frictions. It offers a neutral, enforceable, and effective way to get parties back on track when a deal is derailed by retaliatory tariffs. Businesses should see international arbitration not as a last resort, but as a built-in safety valve that can give all sides confidence to continue trading despite an uncertain tariff environment.

Frederick A. Acomb and James L. Woolard, Jr., are members of Miller Canfield's International Disputes Group.

MONEY:
Day tipping point for markets

From Page 2

responded to U.S. import quotas not by withdrawing but by building plants in the United States. That response was possible because policies were clear and negotiated, not abrupt or adversarial.

Today, the story is different. Volatile, unilateral tariffs don't build trust – they erode it. And when trust erodes, so does investment.

Yes, a factory in Indiana or Kentucky might reopen. Yet if that comes at the cost of deterring billions of dollars in long-term investment, is it worth it?

So while the president may celebrate April 2 as Liberation Day, markets may come to see it as the tipping point – when global confidence in the U.S. economy began to falter in earnest.

WASHINGTON

Major international law firm reaches deal with White House, becoming the latest to do so

Firm is home to Kamala Harris' husband

BY ERIC TUCKER
Associated Press

WASHINGTON (AP) — Another major international law firm has reached a deal with President Donald Trump to dedicate at least $100 million in free legal services to causes such as supporting veterans and combating antisemitism, the White House announced Tuesday.

The agreement makes Willkie Farr & Gallagher the third law firm in the last two weeks to cut a deal with the White House to avert sanctions from the U.S. government.

It was reached just two days after leaders at Willkie learned that the White House intended to issue an executive order against the firm, an action that could have carried "potentially grave consequences," according to an internal email from the firm's executive committee obtained by The Associated Press.

The resolution reflects the differing responses being taken by the legal community as Trump continues to target some of the world's most elite law firms and extract concessions from them, such as the renunciation of diversity, equity and inclusion considerations in hiring and promotion decisions. Many of the firms that have been the subject of Trump's executive orders are associated with lawyers who previously investigated him, either when he was president or between his terms in the White House.

Willkie is home to Doug Emhoff, the husband of 2024 Democratic presidential nominee Kamala Harris, and Timothy Heaphy, who was chief investigative counsel to the House of Representatives committee that investigated the Jan. 6, 2021 riot at the U.S. Capitol. The firm also represented two former Georgia election workers in a successful defamation lawsuit against former New York Mayor Rudy Giuliani.

Three of the targeted firms have now made deals with the White House — resolutions that critics within the legal community call a capitulation — but others have challenged them in court and have been successful in getting key portions of the edicts blocked.

The internal email from Willkie acknowledged that ambivalence.

"While the agreement ultimately reached with the Administration focuses on activities that are already in place at our Firm, similar agreements at peer firms have been publicly criticized, and there is heightened conversation across our industry as law firms grapple with the consequences of potential Executive Orders and the impact for their clients, their employees and their businesses," the email said.

"In making this difficult decision, we concluded, after due consideration of the implications of each possible course of action, that accepting the Administration's final proposal was the path that best serves our clients' needs and protects the Firm's various stakeholders, avoiding potentially grave consequences," it added.

Leaders of Willkie learned Sunday that they would be targeted for an executive order like the one leveled at nearly a half-dozen other major firms over the last month, the email said. The White House then "outlined a proposed alternative" consisting of three principles on which an agreement could be based.

Emhoff made it known internally that he disagreed with the deal and told firm leadership they should fight, according to a person familiar with the situation who insisted on anonymity to discuss internal deliberations.

The firm email downplayed the scope of reforms and suggested that the firm had simply agreed to continue its longstanding practices. That includes following "the law related to our employment practices," representing clients across varied political and ideological spectrums and continuing to "represent underrepresented individuals and groups."

The White House, by contrast, portrayed the changes in more sweeping terms, saying Willkie had affirmed "its commitment to Merit-Based Hiring, Promotion, and Retention. Accordingly, the Firm will not engage in illegal DEI discrimination and preferences."

The Trump executive orders have threatened the security clearances of attorneys at each of the targeted firms as well as the termination of federal contracts and access by employees to federal buildings.

Last Friday, Skadden, Arps, Slate, Meagher & Flom agreed to provide $100 million in pro bono legal services to avert an executive order, following the path of Paul Weiss, a firm that cut a deal just a week after it was targeted. The Paul Weiss chairman has said the Trump action risked destroying the firm.

In some instances, federal judges have blocked key portions of the orders having to do with federal contracts and access to federal buildings from being enforced, as has happened in lawsuits brought by WilmerHale, Jenner & Block and Perkins Coie.

WilmerHale is the firm where special counsel Robert Mueller, who investigated Trump during his first term, worked for years before retiring. Jenner & Block previously employed Andrew Weissmann, who was a top lawyer on Mueller's team, and Perkins Coie represented Hillary Clinton during her 2016 presidential campaign.

The first firm to be targeted was Covington & Burling, which has offered legal services to special counsel Jack Smith, who investigated Trump in his second term.