

## **Testimony of Rachel Cohen**

### **Hearing on “Restoring Accountability: Exposing Trump’s Attacks on the Rule of Law” Before Members of the U.S. Senate and U.S. House of Representatives Committees on the Judiciary**

April 7, 2025

Thank you for the opportunity to speak to members of the House and Senate Judiciary Committees on the subject of “[Title].” This is not how most people spend their first Monday of unemployment.

On March 20, I tendered my conditional resignation to Skadden Arps, where I worked as a finance associate. I did so because I believe our country is teetering on the brink of authoritarianism and that many leaders of our most prestigious and profitable law firms recognize this risk and choose to ignore it because they are afraid. It is likely that they are afraid of losing profits. But I think it is also likely that these leaders are afraid because standing up to authoritarianism is scary. It is easier to ignore what is happening than to acknowledge the fight that lies ahead.

I resigned amidst a series of attacks on the legal profession that began on February 25, when the Trump administration stripped law firm Covington & Burling of government contracts for representing Special Counsel Jack Smith during his investigation of the President. Then, the President entered an executive order against law firm Perkins Coie, not only stripping Perkins of government contracts, but also targeting third party contractors that retain Perkins as counsel. Again, the administration named Perkins’ past representation of clients and causes the President opposes as the reason.

Perkins chose to fight back. It challenged the blatantly unconstitutional order and successfully obtained a Temporary Restraining Order the next day.

In a normal presidency, this would send a message to the administration; press pause while the Perkins executive order is litigated. But the President continued to enter executive orders targeting firms based on past representation.

Enter Paul Weiss, the next target of an executive order. Instead of fighting back, Paul Weiss offered the Trump administration \$40M in pro bono legal services for his pet projects and promised to evaluate hiring and retention practices in partnership with the President. He withdrew the order. Paul Weiss’ decision was a stunning betrayal of the firm’s associates and the legal system that made the firm’s partnership very, very rich.

Throughout this period, associates across the industry were engaged in measured advocacy internally and externally, hoping to get our firms to band together and stand up to the administration’s attack on the broader legal profession. Paul Weiss’ capitulation made me realize firm leadership was not mobilized to act collectively. I became certain my employer was not going to be brave, and so I resigned. I was heartbroken to be proven right eight days later, on March 28, when Skadden promised the Trump administration \$100M in pro bono legal services despite no executive order being entered against them. Other associates resigned in protest, two of them publicly.

We did so because our adversarial legal system only functions when parties have representation. Everyone deserves an advocate. That principle is invoked by law firm partners to justify high-profit but distasteful representations: everyone deserves advocates. American justice is not *sua sponte*; without skilled lawyers, meritorious lawsuits may not be brought in the first place. Public interest attorneys, themselves separately targeted by the administration, are now also scrambling to replace the resources and attention that these firms historically provide as they challenge unconstitutional actions and provide direct representation to clients in need. This is intentional. Courts are one of our last lines of defense against authoritarianism.

I was raised to advocate, and to be aware of the racial, financial and other privileges I hold that make it more likely that my voice will be heard in halls of power. I am the daughter of two government attorneys, who each served their country in the United States Air Force. While in high school in Ohio, my best friend was one of the only Latina students in our graduating class and faced overt racism. Following a particularly egregious incident, we went to the principal together. My outrage was heard as much or more than hers.

After studying political science at The Ohio State University, I spent four years teaching in Providence Public Schools. My students, some of whom I know are watching right now, are brave and smart and bold. But there were many times where, despite the self-evidence of my students' brilliance, people did not believe it existed until a white native English speaker pointed it out. Acceptance to Harvard Law School and employment at Skadden made my already powerful voice even louder. The cowardice or apathy of some in these spaces at times caused disillusionment. But those dear to me—including your son, Congressman Raskin—made sure I remembered that just because such cowardice is common doesn't make it acceptable.

I was asked here because my voice is loud. But I came here for the same reason I resigned: it is important for the very real people whose voices are not heard in the same way to have an advocate, today and always. This advocacy cannot be defined by fear of future retribution. My students and non-white friends and colleagues deserve brave advocates. Mahmoud Khalil, Rumeysa Ozturk, Kilmar Armando Abrego Garcia and Andry Jose Hernandez Romero deserve brave advocates. People seeking abortion care or birth control or gender affirming care deserve brave advocates. And to be clear, everyone else—the law firm partners enabling this slide into authoritarianism, the voters who put Trump into office and are waiting and will wait forever for him to begin caring about them and the difficulties they face, those of us in this room today—everyone else also deserves brave advocates.

The administration cannot pick and choose who gets representation. It cannot use executive power to scare lawyers out of advocacy. If we allow any President to dictate who deserves a lawyer, our legal system fails. Like firm leaders, I am afraid of where this intimidation campaign leads. But unlike most of them, I will not allow my fear to manifest as silence.

Thank you again.