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Boutique Firms Emerge As Trump Admin's 'Achilles' Heel'

By **Phillip Bantz**

Law360 (September 3, 2026, 12:45 PM EDT) -- Less fearful of retribution than some of their BigLaw counterparts, small law firms are taking on an outsized role handling cases seen as adversarial to the Trump administration.

The trend emerged early last year, when President Donald Trump kicked off his second term by taking action against major law firms that had been involved in cases against him or his policies, or that employed attorneys who had been involved in adversarial matters in the past, experts said.

Trump issued presidential memorandums and executive orders suspending security clearances for the targeted firms' lawyers and other staff, barring them from accessing federal buildings and threatening to end the firms' government contracts. Federal judges have found the orders to be unlawful, but the U.S. Department of Justice has **appealed** those rulings.

In response, hundreds of small firms and solo practitioners banded together earlier this year to file briefs with the D.C. Circuit in support of the four large firms that opted to fight the executive orders — Ashurst Perkins Coie, WilmerHale, Jenner & Block LLP and Susman Godfrey LLP — rather than enter into agreements to provide pro bono legal services to the Trump administration, as nine BigLaw firms did.

"If lawyers shirk or abandon their ethical duties and oaths for fear of government retaliation, the justice system — and society as a whole — will be powerless to curb abuses of authority," a group of 22 boutique litigation firms asserted in an amicus brief filed with the D.C. appellate court in early April.

More than 800 small firms and solo practitioners warned in a separate brief in April that Trump's executive orders, "though nominally targeting large firms, have repercussions extending far beyond BigLaw" and, if ultimately deemed lawful, could "target any attorney or law firm that represents politically disfavored clients."

That group also told the court that "solo and small firm lawyers have stepped into the breach left by acquiescing large firms" and now "stand on the front lines of client representation without the institutional resources to absorb or withstand executive retaliation."

Small and midsize firms also **filed briefs** with the D.C. federal court in 2025 backing Perkins Coie's legal action against the executive orders.

Boutiques coming together to push back against Trump's executive orders was a "canary in the coal mine" moment and the "initial indication that small firms were going to be at the forefront of this" opposition movement, said Gerald Greenberg of Gelber Schachter & Greenberg PA, a Miami-based litigation boutique that joined the brief with 22 firms.

"It was small firms starting to stand up and realize that they had a role to fill," Greenberg told Law360. "A lot of small firms have the skill, flexibility and courage to do what some of the big firms were afraid to do."

Gelber Schachter currently represents former CIA Director John O. Brennan in a civil suit against the Trump administration seeking to preserve government records related to federal probes targeting

Brennan.

The firm also is involved in a suit with the Constitutional Accountability Center, a nonprofit think tank and public interest law firm, to block the transfer of waterfront property in downtown Miami for Trump's proposed presidential library. In a separate matter, the firm is defending Capital One in a lawsuit that Trump's trust and family businesses brought against the bank over its **closure** of nearly 400 accounts.

So far, Greenberg and law partner Dan Gelber said they and their clients have not experienced any direct attempts at retribution from the Trump administration in response to taking on adversarial cases.

"People at the Justice Department know who we are — they know our politics — and I haven't seen any pushback," Greenberg said. "I'm sure there could be or will be some circumstances where we get pushback, but I'm at least hopeful that it will be limited."

Gelber shrugged off the possibility of executive branch retaliation: "Honestly, we don't really think about it."

Smaller firms have fewer resources than larger firms to defend against potential retribution, but they also have less to lose, experts said.

Boutique litigation firms tend to be more insulated from potential blowback than BigLaw firms because they typically do not deal with government contracts, have major lobbying practices, or handle mergers and acquisitions and other types of corporate transactional cases that are subject to federal regulatory scrutiny, experts said.

"Small firms, in a way, could be an Achilles' heel for them because there really is not much they could do," Greenberg said, referring to the Trump administration.

The administration might begin targeting individual lawyers by, for instance, subjecting them to audits, experts said. But they said the risk factors that spurred some BigLaw leaders to make deals with Trump while under the threat of his executive orders likely do not apply to smaller firms, or apply to a far lesser degree.

"Those same considerations are just not going to exist at a boutique firm, where the client rosters are inherently a bit smaller," said David Kolansky, a former BigLaw attorney who now practices at Lowell & Associates PLLC.

The Washington, D.C.-based boutique, which prominent defense lawyer Abbe David Lowell founded last year, has carved out a niche representing Trump's perceived political foes who have been charged or investigated by his administration, including New York Attorney General **Letitia James**, Federal Reserve Gov. **Lisa Cook** and California Gov. **Gavin Newsom**, among others.

"The **rise of white collar boutique law firms** has enabled clients to come to these firms and hire counsel without as much fear of retaliation," Kolansky said.

The Trump administration took action against large, powerful law firms based on at least a perception that those firms could significantly disrupt Trump's policy agenda, but small firms have less reach and are therefore likely less attractive or worthwhile targets for the Trump administration, according to experts.

Still, some boutiques taking on cases adversarial to the administration, particularly those focused on white collar criminal defense, are treading lightly to avoid being seen as partisan, such as by not publicizing their involvement in the matters.

"Fighting aggressively for your clients can ruffle feathers and annoy people, but it's not a political act fundamentally," said Arlo Devlin-Brown, co-founder of New York-based trial and litigation boutique Treanor Devlin Brown PLLC.

"If you have a partisan goal, that can impact your ability to get clients to trust you in criminal

defense work," he added.

However, lawyers at some litigation-focused boutiques are taking a different approach, telling Law360 that broadcasting their willingness to oppose the administration has earned them a reputation that clients appreciate.

Gelber Schachter, for instance, saw an uptick in inquiries from potential clients as a result of the firm's involvement in the Trump presidential library case, according to Greenberg. He and Gelber have publicly commented on the matter.

At the same time, Greenberg and Gelber do not believe that their firm has lost any business as a result of opposing the Trump administration in court.

"We have a number of clients who are Trump voters," Greenberg said. "They know what we're doing, and they respect it and sometimes joke about it a little bit, but I haven't seen any pushback there either."

--Editing by Daniel King.

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