

Congress of the United States
Washington, DC 20510

September 24, 2025

VIA EMAIL

Mr. Jon A. Ballis
Chairman
Kirkland & Ellis LLP
333 W Wolf Point Plaza
Chicago, IL 60654

Dear Mr. Ballis:

We write to you for the third time regarding Kirkland & Ellis LLP's ("Kirkland") decision to submit to the Trump Administration's efforts to threaten an unlawful and unconstitutional Executive Order and sham investigations to coerce your law firm into spending \$125 million in law firm resources to support President Trump's pet issues, making statements that support his agenda, and reversing firm policies with which he disagrees.¹ Your previous responses of April 14 and April 28, 2025, failed to provide any of the requested records or information vital to our Committees' understanding of why your law firm promised \$125 million in *pro bono* legal services to causes hand-picked by President Trump. Your April 28 response stated only that Kirkland "will continue to provide pro bono and other legal services on a non-partisan basis to a wide range of underserved populations."²

Now, just months after striking a deal with the Administration, Kirkland is reportedly providing legal services on at least two trade agreements to the U.S. Department of Commerce ("Commerce Department").³ These reports come as other law firms that have also capitulated to the Administration's unlawful and unconstitutional coercion are also reportedly doing pro bono work for the Commerce Department.⁴ Kirkland's work for the Commerce Department clearly falls outside of the scope of the deal you previously described—aiding a wide range of underserved

¹ Letter from Richard Blumenthal, Ranking Member, S. Permanent Subcomm. on Investigations, and Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to John A. Ballis, Kirkland & Ellis (Apr. 6, 2025), available at <https://www.hsgac.senate.gov/wp-content/uploads/2025-4-6-Blumenthal-Raskin-Letter-to-Kirkland-Ellis.pdf>; Letter from Richard Blumenthal, Ranking Member, S. Permanent Subcomm. on Investigations, and Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to John A. Ballis, Kirkland & Ellis (Apr. 18, 2025), available at <https://www.hsgac.senate.gov/wp-content/uploads/2025-4-18-Blumenthal-Raskin-Letter-to-KE.pdf>; Matthew Goldstein, *Five More Big Law Firms Reach Deals With Trump*, N.Y. TIMES (Apr. 11, 2025), <https://www.nytimes.com/2025/04/11/business/trump-law-firms-kirkland-ellis-latham-watkins.html>.

² Letter from W. Neil Eggleston to Senator Richard Blumenthal and Congressman Jamie Raskin, (Apr. 28, 2025) (on file with the Permanent Subcommittee on Investigations).

³ Michael S. Schmidt & Maggie Haberman, *Law Firms That Settled With Trump Are Asked to Help on Trade Deals*, N.Y. TIMES (Aug. 13, 2025), <https://www.nytimes.com/2025/08/13/us/politics/trump-law-firms-trade-deals.html>.

⁴ Michael S. Schmidt, Matthew Goldstein, & Maggie Haberman, *Two Big Law Firms Said to Be Doing Free Work for Trump Administration*, N.Y. TIMES (Aug. 20, 2025), <https://www.nytimes.com/2025/08/20/us/politics/law-firms-free-work-trump-administration.html>.

populations—suggesting that the Administration’s coercion of your law firm may be ongoing and escalating.⁵

Absent coercion from the Administration it is difficult to understand how Kirkland identified the Commerce Department—a government agency with 13 bureaus⁶, a proposed \$8.6 billion in Fiscal Year 2026 discretionary funding—as eligible for pro bono services. Your own website describes Kirkland’s pro bono practice as providing “legal services without charge to those who cannot afford counsel,”⁷ which is impossible to square with your work on behalf of the Commerce Department.

Further, as you are certainly aware, providing legal services to the Commerce Department without compensation may violate the law. The Antideficiency Act, and, in particular 31 USC § 1342, prohibits the Government from accepting voluntary services and has limited exceptions in order to ensure the Government is not on the hook for financial obligations Congress has not explicitly appropriated. While it certainly would not be surprising for the Trump Administration to disregard the law regarding congressional appropriations, it would be quite troubling if Kirkland were a willing accomplice in such an endeavor.

Equally troubling, these bargains with President Trump have created what appear to be glaring conflicts of interest. Under the ABA Rules of Professional Conduct, if Kirkland is required to provide President Trump with free legal services, it may prove difficult for your firm to also zealously represent a client, pro bono or otherwise, adverse to the Administration.⁸ These conflicts are particularly troubling if you failed to give existing clients with matters adverse to the Administration proper notice of the existence—and growing extent—of this unusual arrangement and whether they were given an opportunity to properly assess whether a conflict existed.

To better understand the contours of the work Kirkland is currently carrying out for—and at the request of—the U.S. Government please provide the following information to the Permanent Subcommittee on Investigations and the House Judiciary Committee by October 7, 2025:

1. Provide a detailed description of the scope and duration of Kirkland’s work for the Commerce Department. As part of this description, please explain how Kirkland was retained to perform work for the Commerce Department or U.S. Government, and the matters that Kirkland is currently engaged with the Commerce Department or U.S. Government to perform.
2. Provide a detailed description about how Kirkland is being compensated for legal services provided to the Commerce Department, including whether Kirkland agreed to perform the services at a reduced rate. If Kirkland is not being compensated for the legal services being provided to the Commerce Department or U.S. Government, and the work

⁵ See *id.*; Michael S. Schmidt, et al., *supra*, note 3.

⁶ U.S. Department of Commerce, Bureaus and Offices, last accessed Aug. 25, 2025, available at <https://www.commerce.gov/bureaus-and-offices>.

⁷ Kirkland & Ellis, Pro Bono, <https://www.kirkland.com/social-commitment/pro-bono> (last visited Sept. 22, 2025).

⁸ See Am. Bar Ass’n, Model Rules of Pro. Conduct, 1.7 (“A concurrent conflict of interest exists if: ... (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.”).

is considered “pro bono,” please indicate what statutory authority is being invoked allowing the Commerce Department or U.S. Government to accept voluntary services.

3. List the number of hours that Kirkland has contributed to the Commerce Department or the U.S. Government to date.
4. Explain whether Kirkland entered a retainer agreement with the Commerce Department or U.S. Government for its legal services. When providing a detailed explanation of any agreement(s), please indicate whether there is a duration provision governing when Kirkland’s work for the Commerce Department or U.S. Government will cease. If no retainer agreement exists, please explain how Kirkland formalized the terms and conditions of its work with the Commerce Department or U.S. Government.
5. Explain whether Kirkland notified clients adverse to the Administration of Kirkland’s work for the U.S. Government.
6. List all of Kirkland’s pro bono matters with the U.S. Government which have been entered into pursuant to the agreement with the Trump Administration. Furthermore, list all non-U.S. governmental clients which have been offered pro bono legal services pursuant to the agreement with the Trump Administration. Provide an updated dollar value of pro bono services rendered to the Trump Administration in accordance with the March 2025 agreement.

In addition, please provide the Permanent Subcommittee on Investigation and House Judiciary Committee with the following records by October 7, 2025, and any subsequently produced records⁹ responsive to these requests on a bi-weekly basis thereafter:

1. All retainers governing the legal services rendered to the Commerce Department or U.S. Government by Kirkland from April 12, 2025, onward. If no retainer has been executed, please furnish any other records governing the terms and conditions of work by Kirkland for the Commerce Department or U.S. Government.

⁹ For purposes of this request, “records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Please contact the Permanent Subcommittee on Investigations and the House Judiciary Committee should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal
Ranking Member
Senate Permanent Subcommittee on
Investigations



Jamie Raskin
Ranking Member
House Committee on the Judiciary



Adam B. Schiff
United States Senator

cc: The Honorable Ron Johnson
Chairman
Senate Permanent Subcommittee on Investigations

The Honorable Jim Jordan
Chairman
House Committee on the Judiciary