

As Big Law Steps Back, These Boutiques Are Stepping Up to Take on Trump

By Abigail Adcox

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As Big Law firms have shied away from certain types of work, several Washington, D.C.-based boutique law firms have set up shop to fill the void, positioning themselves to take up litigation against the Trump administration.

At least six law firms have launched since the start of this year, including Civil Service Law Center, Dunn Isaacson Rhee, Washington Litigation Group, Klubes Law Group, Lowell & Associates and DC Law Collective, that have already or are aiming to pick up high-stakes work opposite the administration, including in challenging executive orders or agency actions.

"This may be a little bit like an iceberg, you see above the water, a few people doing it. And there's a lot of people who are anywhere from sympathetic to actively considering doing it. And it's a function of the very unique time we're in," Benjamin Klubes, who launched Klubes Law Group last month, said in an interview. "The Trump administration's assault on the rule of law and the belief that many lawyers have that they want to play a role in addressing that and that Big Law has sadly failed to meet the moment."

Large law firms are being more cautious about the kinds of work they are taking on, including some pro bono matters in immigration and asylum cases, with some firms backing out of politically sensitive commitments, Law.com has



Photo: Tolga Akmen/EPA/Bloomberg

reported. President Donald Trump's war against Big Law this year includes five executive orders against firms, while nine law firms have entered into deals with the Trump administration, pledging \$940 million in pro bono services to causes the administration supports.

Lower rate pressure and more flexibility with the types of work they can take on, with fewer client conflicts, have attracted some attorneys to these boutiques. And litigation boutiques don't face conflicts from corporate partners whose deals need regulatory approval.

At the same time, boutiques face their own constraints, with less manpower and resources to take on larger litigation matters against the administration.

Klubes is the only full-time attorney at the firm for now, but he said he is recruiting associates

and partners, both from government and private law firms. Klubes, who was previously acting general counsel of the Department of Housing and Urban Development, says his firm will take on a “blend of the newest types of cases you’re seeing now, very unique to the Trump administration, and then the historic, traditional practice I’ve had in white collar and consumer financial services.”

Klubes, who has worked both in government and in private law firms both big and small, said that the boutique model gave him the freedom to do “work for the clients I wanted to work for, at the rates I wanted to work for.” He anticipates large firms will refer work his way, in addition to referrals through his network of former Biden administration officials.

“Law firms that aren’t willing to take the cases, obviously are a source [of some work], because they know I’m out there and can take the case, either for political reasons or cost reasons,” he said, adding former government officials going up against the Trump administration can’t afford \$2,500 an hour for their lawyer.

Big Law Spinoffs

Some of the new boutiques popping up to challenge the Trump administration are partly spearheaded by former Big Law attorneys.

A group of former Big Law partners, judges and government officials have launched this week the Washington Litigation Group, a nonprofit firm, to challenge the Trump administration, taking on pro bono representation in defense of the rule of law. The firm will handle civil litigation, as well as congressional investigation and criminal defense matters.

“We are not seeking money. We are here to represent people who, normally, Big Law firms would have represented on a pro bono basis,” said Nathaniel Zelinsky, an attorney at the firm, adding that the nonprofit firm has attorneys who have come out of retirement, are former judges or former government officials now working together.

The firm’s bench includes Tom Green, a former head of Sidley Austin’s white-collar practice, and Zelinsky, a former associate at Milbank.

Two former federal prosecutors, James Pearce and Mary Dohrmann, who worked as assistant special counsels to Jack Smith, are also a part of the Washington Litigation Group. Both of them were fired from the Justice Department at the start of the Trump administration.

Zelinsky said many of the attorneys at Washington Litigation Group got involved because of the “pull-back of major law firms from pro bono representation,” adding that it started with the deals some firms struck with the Trump administration.

“You’ve seen a drawback generally in Big Law providing pro bono representation, that in the first [Trump] administration, you would have expected to see major law firms engaged in,” said Zelinsky. “That’s what motivated us.”

“Tom came out of retirement. Many other members of the steering committee came out of retirement because they felt the need to do this at this moment,” Zelinsky added.

The Washington Litigation Group is representing former Merit Systems Protection Board member Cathy Harris, who was fired by Trump earlier this year, serving as co-counsel with Milbank.

Meanwhile, former Winston & Strawn litigator Abbe Lowell launched his own firm, Lowell & Associates, in May, looking to take on the Trump administration. Two associates who joined him at his new firm made headlines for their public resignations from Skadden, Arps, Slate, Meagher & Flom before and after the firm reached a deal with Trump.

Lowell is already representing New York Attorney General Letitia James in her showdown with the Trump administration over several of her real estate transactions. Lowell is also representing whistleblower lawyer Mark Zaid and former Homeland Security official Miles Taylor, both of whom are fighting their security clearances being revoked.

The firm, alongside nonprofit firm Democracy Forward, Democracy Defenders Fund, AFSCME, recently secured a preliminary injunction to halt the Trump administration's plan to dismantle AmeriCorps operations.

In addition, former Paul, Weiss, Rifkind, Wharton & Garrison partners Karen Dunn, William Isaacson and Jeannie Rhee formed a spinoff firm, officially launching and opening in D.C. last month.

The new firm has at least 26 lawyers, including 13 partners, many of whom are from Paul Weiss. They have already represented clients such as Amazon, Google and Meta in court in recent weeks. Dunn, Isaacson and Rhee were part of a Paul Weiss team representing Google in a case against the DOJ.

When asked whether the firm plans to litigate against the administration, a spokesperson for the boutique told Law.com last month that "the firm plans to take on a broad range of work and presumes that this will include being adverse to the administration. The firm is already adverse for some clients (eg, Google) and assumes it will do more."

The spokesperson added on Wednesday that the firm's lawyers "have handled some of the biggest civil rights lawsuits of the last few years, and of course will continue that type of work. We fully expect to take on an active caseload of pro bono matters in the coming weeks and months."

Former Feds

A number of the new boutiques boast of former top government officials. Ex-government lawyers have been flooding the job market in the last year, following mass layoffs and restructuring across federal agencies.

Jessica Merry Samuels, who was an appellate attorney in the Justice Department's Civil Rights Division, alongside Clayton Bailey, who was an attorney in the DOJ's Federal Programs Branch,

launched in May the Civil Service Law Center, a law firm aimed at litigating on behalf of federal workers.

"I had not planned to go out on my own or do a startup of any kind. I intended to stay in the Civil Rights Division for perhaps my entire career and had to change paths due to current events," Samuels said.

The Civil Service Law Center has already filed class-action lawsuits against the Department of Health & Human Services and the National Oceanic and Atmospheric Administration on behalf of former employees who were terminated.

"We've been seeing a lot of, I would say, creative lawyering going on to meet this moment. We've seen lots of organizations kind of take on a different role or lead the charge. We've seen new firms organize, and I think part of that is just because of the sheer scale of what's going on right now," Samuels said.

Meanwhile, Pamela Hicks, former chief counsel of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, co-founded the DC Law Collective in May with Greg Pinto, former general counsel at Deacon Jones Foundation and who previously worked at the Department of Homeland Security, to represent federal employees.

The new firm is already representing dozens of current and former federal employees in relation to firings and demotions before the U.S. Merit Systems Protection Board, as well as whistleblower and Office of Special Counsel matters.

Hicks, herself, was fired earlier this year by Attorney General Pam Bondi from the ATF, after two decades at the agency.

"When we saw what was happening, we decided that that's absolutely what we're going to commit ourselves to do, to trying to get the best representation, trying to get the best value, trying to help the people we care about as much as we possibly could," Pinto said.