

DLA Piper Among 19 Firms Urging Trump's Removal

By **Andrew Kragie**

Law360 (January 8, 2021, 8:05 PM EST) -- Nineteen American law firms, including the legal behemoth DLA Piper, have urged Vice President Mike Pence to remove President Donald Trump from power using the 25th Amendment after he incited supporters who attacked the Capitol, according to Crowell & Moring LLP.

The firms told Pence that Trump represented a "reckless and wanton threat to the Constitution that he pledged to preserve, protect and defend" in a joint letter sent late Friday, two days after the attack that left five people dead, including a U.S. Capitol Police officer. The missive organized by Crowell & Moring decried "a riot incited by the president's own words addressing that rally, and then excused by his words after it."

"As leaders of the legal community, we call for action," the firms said. "Lawyers have no special province when it comes to politics. ... But when it comes to defending our Constitution and our system of laws, we have a special duty and an exceptional perspective."

The six signatories among the Law360 400 ranking of largest U.S.-based firms by domestic headcount were Crowell & Moring, DLA Piper, Farella Braun & Martel LLP, Foley Hoag LLP, Hanson Bridgett LLP and Sullivan & Worcester LLP.

The other firms that signed on were Amin Talati Wasserman LLP, Baker Thomas Oakley Greene PLLC, Brinks Gilson & Lione, Coburn & Greenbaum PLLC, Kendall Brill & Kelly LLP, Lewis Baach Kaufmann Middlemiss PLLC, Kenneth Reich Law LLC, McNerney & McAuliffe, Phillips Nizer LLP, Shaheen & Gordon, Vandeventer Trade Law PLC, Wilson Williams LLC and WTAL PLLC.

The letter follows almost all congressional Democrats urging Trump's removal, including House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer. Illinois Rep. Adam Kinzinger was the only Republican to join them, although a few other GOP lawmakers said they would not oppose action by Pence and the Cabinet. Democrats were moving to impeach Trump a second time, a move endorsed by the conservative editorial board at The Wall Street Journal.

Philip T. Inglima, chair of Crowell & Moring's management board since 2017, was adamant that the firms' letter was not a partisan effort. The Friday missive followed his firm's initial statement Thursday morning.

"Only when we felt that this had actually risen to the level of a constitutional crisis did we think it was both appropriate and necessary," Inglima said in an interview Thursday. His firm has its global headquarters on Pennsylvania Avenue in Washington, D.C. — just a few blocks from the White House.

The firms' advocacy — coming from elite American attorneys, many with experience and connections in the federal government — might have more impact than letters signed by individual attorneys, like the one organized by the nonprofit Lawyers for Good Government and released Friday.

All the letters urge Pence to act under Section 4 of the 25th Amendment, which permits the vice president and a majority of Cabinet secretaries to suspend the president if he is "unable to discharge the powers and duties of his office." The vice president becomes "acting president." The section has never been used since the amendment's ratification in 1967, according to the Congressional Research Service.

The drastic action requires notification of Congress, which must vote within three weeks on whether the president should be kept from office. If Congress does not sustain the action by a two-thirds majority vote in each chamber, the president is restored to power. However, Trump's term ends in less than two weeks, so Congress could avoid voting on the issue.

The firms said urgent action was needed even with Trump's exit set for Jan. 20, which he acknowledged for the first time Thursday. He tweeted Friday that he would not attend President-elect Joe Biden's inauguration, making it the first since 1869 with the outgoing president absent.

--Editing by Bruce Goldman.