

Congress of the United States

Washington, DC 20515

March 2, 2026

VIA EMAIL

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

Dear Mr. Ballis:

We write (once again) regarding the profoundly troubling agreement that Kirkland & Ellis LLP (“Kirkland”) entered into with the Trump Administration to provide “pro bono and other free services” to causes chosen by the President. We have written to your firm three times previously seeking documents and answers regarding this corrupt bargain, and Kirkland has provided no responsive information or records in response to any of these letters.¹ In light of Kirkland’s failure to meaningfully respond, and your firm’s potential violation of federal law, we seek additional information about your firm’s contacts with Mr. Boris Epshteyn and details of your work for the federal government.

We last wrote to Kirkland in September 2025 seeking to understand why your law firm promised \$125 million in *pro bono* legal service to causes hand-picked by President Trump. Of particular concern are reports that your firm has provided legal counsel to the U.S. Department of Commerce regarding the Trump Administration’s efforts to leverage unlawful tariffs into foreign trade agreements. Such legal work raises a host of obvious potential issues involving the *Anti Deficiency Act*, 31 U.S.C. §1342. It also implicates your ethical duties under bar association rules to other clients who have hired Kirkland to litigate or negotiate *against* the Trump Administration, duties that categorically prevent divided loyalties and arguably foreclose the work you have embarked upon.²

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>; Letter from Richard Blumenthal, Ranking Member, S. Permanent Subcomm. on Investigations, Adam Schiff, United States Senator, and Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to John A. Ballis, Kirkland & Ellis (Sept. 24, 2025), available at <https://www.hsgac.senate.gov/wp-content/uploads/2025-9-24-Letter-from-Sen.-Blumenthal-Congressman-Raskin-Sen.-Schiff-to-Kirkland-Ellis.pdf>.

² 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>.

Your October 6, 2025 response does not deny that you have undertaken free legal work for a government agency. Indeed, you confirmed that Kirkland is performing “legal work” without pay “for government agencies pursuant to the Agreement [with the Trump Administration].”³ Far from offering concrete assurances, you simply stated Kirkland is “comfortable that the agreement does not run afoul of the issues that you raise in your letter.”⁴

This admission is startling. Kirkland has not only informed Congress that it is conducting legal work for government agencies—plural—but that it is doing so for *free*. In effect, Kirkland concedes providing free legal work directly after being threatened by the Trump Administration with a U.S. Equal Employment Opportunity Commission (EEOC) investigation and the prospect of financial- and access-related penalties that were previously imposed on other law firms.

Bribery, as defined by federal law, is a corrupt offer to—or solicitation by—a public official of anything of value, in exchange for official action.⁵ The elements of bribery are not difficult to trace here, even if the fact pattern is unique: Kirkland has offered free legal services, a thing of immense value, directly to the government (and to the President’s pet legal causes), in exchange for not issuing an executive order targeting Kirkland and dropping an EEOC investigation into Kirkland’s hiring practices.⁶ A government contractor cannot legally avoid debarment by promising free goods or services; a law firm cannot avoid an investigation and sanction by doing the same. If your agreement to provide *pro bono* services to Trump’s pet causes was problematic, your agreement to provide free legal services to his Administration could prove illegal.

The involvement of Mr. Boris Epshteyn, a former Trump Administration official, legal fixer, and a Trump co-conspirator to overturn the 2020 presidential election, raises yet further concerns about this arrangement.⁷ Mr. Epshteyn has been dogged by reports that he solicited illegal pay-to-play schemes in exchange for securing political appointments in the Trump Administration. Former Missouri Governor Eric Greitens reportedly submitted a sworn declaration to the Trump Transition Team, because he “was concerned there was an offer [by Epshteyn] to advance a nomination in return for financial payments.”⁸ Mr. Epshteyn was subsequently removed from the Trump 2024 presidential campaign and has

³ Letter from W. Neil Eggleston to Senator Richard Blumenthal and Congressman Jamie Raskin, (Apr. 28, 2025) available at <https://www.schiff.senate.gov/wp-content/uploads/2026/03/Kirkland-Ellis-Response-April-28-2025.pdf> (emphasis added); Letter from W. Neil Eggleston to Senator Richard Blumenthal, Senator Adam Schiff, and Congressman Jamie Raskin, (Oct. 7, 2025) available at <https://www.schiff.senate.gov/wp-content/uploads/2026/03/Kirkland-Ellis-Response-October-07-2025.pdf>.

⁴ *Id.*

⁵ 18 U.S.C. § 201.

⁶ U.S. Equal Employment Opportunity Commission, *In EEOC Settlement, Four ‘BigLaw’ Firms Disavow DEI and Affirm Their Commitment to Merit-Based Employment Practices* (Apr. 11, 2025), <http://www.eeoc.gov/newsroom/eeoc-settlement-four-biglaw-firms-disavow-dei-and-affirm-their-commitment-merit-based>.

⁷ Special Counsel Jack Smith, *Final Report on the Special Counsel’s Investigations and Prosecutions Volume One: The Election Case, Report on Efforts to Interfere With the Lawful Transfer of Power Following the 2020 Presidential Election Or the Certification of the Electoral College Vote Held on January 6, 2021*, U.S. DEP’T OF JUSTICE (Jan. 7, 2025), <https://www.justice.gov/storage/Report-of-Special-Counsel-Smith-Volume-1-January2025.pdf>.

been the subject of multiple criminal complaints.⁹ It is highly troubling that your agreement with the Trump Administration was brokered by an individual with a demonstrated history of seeking private payments for official acts from other individuals or organizations during the same time period.

Kirkland’s provision of free legal services to the Trump Administration may cause Kirkland’s attorneys to be in violation of the American Bar Association (ABA) Rules of Professional Conduct and your fiduciary duty to many of your clients. Under ABA Rule 1.7, a concurrent conflict of interest exists where “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.”¹⁰ Unquestionably, there exists a “significant risk” that your representation of any client adverse to the Trump Administration “will be materially limited” by your responsibilities to the Trump Administration itself. The Deputy Attorney General has, in fact, taken exactly this position, issuing guidance specifying that a private lawyer’s opposition or adversity to *any* element of the federal government is a conflict imputed to the entire executive branch.¹¹ Under the D.C. Bar’s Rules of Professional Conduct, every lawyer at Kirkland would be affected by this conflict of interest because it affects them financially.¹² To proceed despite such a conflict, Kirkland’s attorneys must reasonably believe that they can provide competent and diligent representation, and, “**receive the client’s ‘informed consent’** to the conflict ‘after full disclosure of the existence and nature of the possible conflict and the possible adverse consequences of such representation.’”¹³

Thus, either Kirkland has obtained each client’s “informed consent” to its representation of the Trump Administration, and the hundreds of downstream, potential conflicts posed by such a representation, or it has likely failed to abide by its ethical responsibilities. If Kirkland believes it possesses a defense under the Rules of Professional Conduct, including that it has individually informed its clients of the potential and

⁸ E.g., Daniel Klaidman & Graham Kates, *Trump transition aide Boris Epshteyn sparking internal strife over appointments*, CBS NEWS, Nov. 25, 2025, <https://www.cbsnews.com/news/trump-transition-boris-epshteyn-sparking-internal-strife-over-appointments/>; Katherine Faulders & Jonathan Karl, *Trump has advisers conduct internal probe of alleged impropriety by legal adviser Boris Epshteyn: Sources*, ABC News, Nov. 25, 2025, <https://abcnews.go.com/US/trump-advisers-conduct-internal-probe-alleged-impropriety-legal/story?id=116220612>.

⁹ Josh Dawsey & C. Ryan Barber, *Trump’s \$1 Billion Law Firm Deals Are the Work of His Personal Lawyer*, WALL STREET J. (April 14, 2025), https://www.wsj.com/us-news/law/trumps-1-billion-law-firm-deals-are-the-work-of-his-personal-lawyer-77bd7b8c?mod=hp_featst_pos3.

¹⁰ 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.”).

¹¹ *Preventing Conflicts of Interest Between the Department of Justice and Private Counsel Engaged by the Government*, Memorandum from the Deputy Attorney General to All Component Heads [of the Department of Justice], at 1 (May 9, 2025) (announcing a policy of not engaging “private counsel who contemporaneously are directly adverse to the United States”) (citing ABA Model Rule of Professional Conduct 1.7(b)(4)), <https://www.justice.gov/dag/media/1399976/dl?inline>.

¹² Although personal interest conflicts of a single lawyer are not typically imputed to an entire firm, the D.C. Bar noted that this particular Rule of Professional Conduct can apply firm wide if every lawyer in a firm is affected.

¹³ Am. Bar Ass’n, Model Rules of Pro. Conduct, 1.7 (emphasis added).

particularized conflict or that its agreement with the Trump Administration was a project of coercion, it should say so.¹⁴ If not, then Kirkland's attorneys may have violated their ethical responsibilities en masse.

The time for short, nonresponsive replies—assuring us that Kirkland knows best and feels *comfortable* about its arrangements with the Trump Administration—is over. We again request all records related to your agreement with the Trump Administration, including communications and written agreements, as well as all communications, meeting records, or documents relating to any negotiations with Mr. Epshteyn.

This information is crucial to our work conducting oversight of the Trump Administration's outrageous and unprecedented efforts to coerce major law firms and law firms' willingness to enter into unlawful agreements to provide *pro bono* work to the Administration. This inquiry will inform potential legislative reforms into laws and regulations governing the ethical requirements of federal public officials, agencies' engagement of outside counsel, and the regulation of attorneys and interstate law firms, the Antideficiency Act, or the scope of bribery laws impacting pseudo-public and private deals with an Administration.

Please provide the following information by March 16, 2026:

- (1) All communications from Kirkland, or its agents, with Boris Epshteyn or his agents or associates, including but not limited to, meetings records, phone calls, emails, text messages, or letters;
- (2) A list of all individuals or entities who corresponded with Kirkland, or any of its agents, to discuss an agreement with the Trump Administration, including the date(s) of any and all contacts;
- (3) All agreements made with the Trump Administration, including but not limited to, settlement records, client retainer letters, conflict disclosures, and any communications informing such agreements; and
- (4) A list of all federal agencies that Kirkland has performed work for, the number of hours spent working for those agencies, and the billable value of those hours.

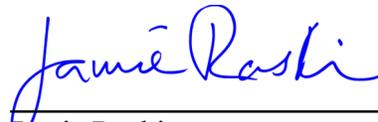
¹⁴ Ethics Opinion 391 at 6.

Please contact the Permanent Subcommittee on Investigations and the House Judiciary Committee should you have any questions about responding to these requests.

Sincerely,



Richard Blumenthal
United States Senator
Ranking Member, Permanent
Subcommittee on
Investigations



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



Adam B. Schiff
United States Senator

Cc:

Mr. W. Neil Eggleston
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

The Honorable Ron Johnson
Chairman
Senate Permanent Subcommittee on Investigations

The Honorable Jim Jordan
Chairman
House Committee on the Judiciary