

American Alliance for Equal Rights Drops Lawsuit Against Winston & Strawn's Diversity Program



The American Alliance for Equal Rights, spearheaded by prominent anti-affirmative action activist Edward Blum, has withdrawn its lawsuit against the renowned U.S. law firm Winston & Strawn. The legal action, filed in federal court in Houston, Texas, contested the firm's fellowship program aimed at fostering diversity. The withdrawal follows Winston & Strawn's modification of the program's application criteria.

Lawsuit Background and Previous Cases

This marks the conclusion of the third lawsuit initiated by Blum's group against law firms, accusing them of excluding specific individuals, including white students, from their diversity fellowship programs based on race. Earlier cases targeted Morrison & Foerster and Perkins Coie, which adjusted their application criteria, prompting Blum to drop the lawsuits. Several other law firms also changed their programs in response to letters from Blum's organization.

Susman Godfrey Joins the List

The latest firm to modify its criteria is Houston-based Susman Godfrey. Blum announced on Wednesday that the firm had altered the terms of its diversity fellowship program and a prize awarded to law students of color. The American Alliance for Equal Rights, as stated by Blum, is dedicated to challenging race-based policies in corporations, law firms, institutions, and government agencies.

Firm Responses and Commitments

Winston & Strawn, a Chicago-founded firm boasting nearly 1,000 lawyers, affirmed its unwavering commitment to diversity, equity, and inclusion in the legal profession. This commitment comes despite the modification in the fellowship program's criteria, eliminating the requirement for applicants to belong to "a disadvantaged and/or historically underrepresented group in the legal profession."

Susman Godfrey, a 190-lawyer firm based in Houston, has not commented on the alteration of its diversity fellowship program.

The Issue of Diversity in Law Firms

The lawsuits revolve around paid fellowships designed to support recruiting people of color, addressing a long-standing struggle among major law firms to enhance diversity in their partnership ranks. According to the National Association for Law Placement, last year, people of color constituted only 11.4% of all partners in major U.S. law firms.

Legal Landscape and Affirmative Action Ruling

Edward Blum's group initiated legal action following a landmark ruling in June, where the U.S. Supreme Court's conservative majority rejected race-conscious policies in college admissions. The verdict, impacting institutions like Harvard and the University of North Carolina, questioned using such approaches to increase minority student enrollment.

Section 1981 and the Lawsuit

The October lawsuit against Winston & Strawn invoked Section 1981 of the 1866 Civil Rights Act, enacted after the Civil War to protect formerly enslaved Black people from racial bias. The suit alleged violations of this law by challenging Winston & Strawn's 1L LCLD Scholars Program.

In a joint filing, both parties pointed to updated criteria on Winston's website, eliminating the requirement tied to racial background. Race will no longer be a factor in the application process, except as contemplated by the U.S. Supreme Court in its affirmative action ruling.

The case, officially titled American Alliance for Equal Rights v. Winston & Strawn LLP, is filed in the U.S. District Court, Southern District of Texas, with case number 4:23-cv-04113.

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