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October 17, 2023

Jeffrey P. MacHarg
Fox Rothschild LLP
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Dear Mr. MacHarg:

I am writing on behalf of my client, the American Alliance for Equal Rights—a membership organization of 1Ls and others who oppose racial classifications. For years, Fox Rothschild has run the “Fox Rothschild 1L Diversity Fellowship.” *See* NALP, *Fox Rothschild LLP – Recruiting & Hiring*, perma.cc/55B6-VHR9. To participate, “applicants must” be members of “underrepresented racial/ethnic groups” or otherwise identify as “members of groups that are historically underrepresented in the legal profession.” *Id.* The application deadline for the “1L Diversity Fellowship Program” is “[l]ikely January 2024.” *Id.*

The Alliance has challenged similar “diversity fellowships” at other law firms. *See* Monnay, *Morrison Foerster Changes DEI Fellowship Criteria Amid Lawsuit*, Bloomberg (Sept. 6, 2023), perma.cc/BQ7U-L67B; Raymond, *Second Major US Law Firm Changes Diversity Fellowship After Lawsuit*, Reuters (Oct. 6, 2023), perma.cc/6NB7-QNCU. One case ended when Perkins Coie changed its program and stipulated (1) that “Membership in a group historically underrepresented in the legal profession is not required under the new program”; (2) that Perkins will “not ask or require applicants to identify their race when applying”; and (3) that Perkins will not “rever[t] to a summer associate fellowship program that requires an applicant to be a member of a historically underrepresented group.” Dkt. 31, *AAER v. Perkins Coie LLP*, No. 3:23-cv-01877-L (N.D. Tex.). Morrison & Foerster agreed to a similar stipulation after it changed a similar program. *See* Dkt. 39, *AAER v. Morrison & Foerster LLP*, No. 1:23-cv-23189-KMW (S.D. Fla.). In both cases, the firms agreed to consider only an applicant’s individualized “discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 230 (2023). “In other words,” consideration for those fellowships is now “based on [an applicant’s] experiences as an individual—not on the basis of race.” *Id.* at 231.

Fox appears to have made similar changes to its program. In the last few days, Fox scrubbed any mention of the program's racial requirement on its webpage. *See Diversity Fellowship Program*, perma.cc/2F32-H7LE. Instead of being explicitly race-based, the program now “will be awarded based on ... a commitment to diversity and inclusion efforts in the legal community.” *Id.*

This is Google's cache of https://www.foxrothschild.com/careers-for-students/diversity-fellowship-program. It is a snapshot of the page as it appeared on Oct 12, 2023 00:01:57 GMT. The current page could have changed in the meantime. Learn more.

Full website Refresh version View source
Tip: To quickly find your search terms on this page, press CTRL or ⌘ (Mac) and use the find bar.

Careers
Careers for Students

Diversity Fellowship Program

We recognize that successfully serving our clients and providing the caliber of legal services they have come to expect from us requires the teamwork of professionals with diverse backgrounds, experiences and perspectives.

We are committed to cultivating a diverse workplace that continually promotes equitable opportunities for all.

The Fox Fellowship will be open to qualified candidates interested in any of our 29 offices.

Fox Fellowship recipients will receive the following:

- A paid summer associate position in any of our offices following their successful completion of the first year of law school.
- An award of \$15,000, conditioned on the following:
 - \$7,500 will be awarded upon offer and acceptance of a 2L summer associate position, and
 - \$7,500 will be awarded upon offer and acceptance of an entry-level associate position.

First-year law students with identities that are historically underrepresented in the legal profession are welcome to apply to the Fox Rothschild 1L Diversity Fellowship.

The application for 2023 has closed. Applications for 2024 will open in late December 2023. Check back for updates.

I decided to return to Fox because the attorneys and staff are truly invested in me as a person and my career as a lawyer.

Jamal Wilson
1L Fox Fellow, Los Angeles Office

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Diversity Fellowship Program

We recognize that successfully serving our clients and providing the caliber of legal services they have come to expect from us requires the teamwork of professionals with diverse backgrounds, experiences and perspectives.

We are committed to cultivating a diverse workplace that continually promotes inclusion and equitable opportunities for all.

The Fox Rothschild 1L Diversity Fellowship Program ("Fox Fellowship") will be awarded based on academic achievement, demonstrated leadership, strong interpersonal skills, entrepreneurial ambition and a commitment to diversity and inclusion efforts in the legal community.

Fox Fellowship recipients will receive the following:

- A paid summer associate position in any of our offices following the successful completion of their first year of law school.
- An award of \$15,000, conditioned on the following:
 - \$7,500 will be awarded upon offer and acceptance of a 2L summer associate position, and
 - \$7,500 will be awarded upon offer and acceptance of an entry-level associate position.

First-year law students in good standing at an ABA-accredited law school with an anticipated graduation date of 2026 are welcome to apply. Applications for the 2024 summer program will open in late December 2023.

I decided to return to Fox because the attorneys and staff are truly invested in me as a person and my career as a lawyer.

Jamal Wilson
1L Fox Fellow, Los Angeles Office

SUMMER PROGRAM INQUIRIES

Current Webpage

That Fox's program appears to be no longer explicitly race-based is a positive development; but the Alliance remains concerned that, in application, the program will continue to consider race. In the hopes of avoiding litigation over this issue, the Alliance asks that you answer the following questions by October 20, 2023:

1. Did Fox, in fact, change its 1L Diversity Fellowship for 2024?
2. If so, will the new fellowship refrain from asking participants about their race? Will it consider race as a factor when making selections?
3. If the new fellowship considers race in any way, what role will race play?

We look forward to your response.

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