October 9, 2023

Cardelle Spangler

Winston & Strawn LLP

35 Wacker Drive

Chicago, IL 60601

(312) 558-5600

Dear Ms. Spangler:

I write on behalf of my client, the American Alliance for Equal Rights—a membership organization of 1Ls and others who oppose racial classifications. Winston & Strawn has long run the 1L Leadership Council on Legal Diversity Scholars program, a summer-associate program that excludes certain applicants based on race. *See* *1L LCLD Scholars Program*, perma.cc/2WFN-R2MZ (requiring “Membership in a disadvantaged and historically underrepresented group in the legal profession”). Your website currently says that 1Ls can submit their applications materials “in the coming weeks.” *See Available Positions*, perma.cc/7ZQX-C4SN.

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. Last Friday, Morrison & Foerster signed a stipulation, promising that “Membership in a group historically underrepresented in the legal profession” will no longer be required for its fellowship; that Morrison “does not and will not ask or require applicants to identify their race when applying to the Fellowship;” and that Morrison “does not and will not consider an applicant’s race when evaluating applications to the Fellowship.” *See* Dkt. 39, *AAER v. Morrison & Foerster LLP*, No. 1:23-cv-23189-KMW (S.D. Fla.). Morrison will only consider “an applicant’s 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 will be “based on his or her experiences as an individual—not on the basis of race.” *Id.* at 231.

The Alliance is considering similar legal action against Winston. To avoid litigation, the Alliance asks that you answer the following questions by October 13, 2023:

1. Does Winston plan to proceed with the 1L Leadership Council on Legal Diversity Scholar program in 2024?
2. If Winston is changing the program, will the new program refrain from asking applicants their race and from considering race as a factor when making selections?
3. If the new program will not be strictly race neutral, what role will race play when making selections?

We look forward to your response.

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Adams and Reese

….has run the 1L Minority Fellowship, a summer-associate program that excludes certain appli-cants based on race. See Adams and Reese 1L Minority Fellowship Program, perma.cc/DW8W- REEK; Announcing the Adams and Reese 1L Minority Fellowship, perma.cc/R2NN-LW2Q (ex-plaining that the fellowship is open to “members of racial and ethnic minority groups and other disadvantaged groups” that are “historically underrepresented in the legal profession”). The program’s application deadline is typically January 31.

Hunton Andrews Kurth

For years, Hunton has run the 1L Diversity Clerkship program, a summer-associate program that excludes certain applicants based on race. See Client/Law Firm Shared Clerkship Opportunity for 1L Diversity Clerkship -Summer 2023, perma.cc/4QVM-8423 (requiring than an applicant “Self-identify as a member of one or more of the following groups: Hispanic or Latino; Black or African American; American Indian or Alaska Native; Asian, Native Hawaiian or other Pacific Islander; Two or More Races;” and others); accord 1L Diversity Clerkship Opportunity - Summer 2023, perma.cc/L5HB- 2JQY; Shared Clerkship Opportunity for Diverse 1L Students – Summer 2022, perma.cc/WA3W-UW5G; Shared Clerkship Opportunity for Diverse 1L Students – Summer 2021, perma.cc/3W4R-4XLU. Hunton has previously accepted applications through February.