September 1, 2026

Hon. Melissa Hart
Council Chair
Council of the Section of Legal Education and Admissions to the Bar
American Bar Association
1050 Connecticut Ave. N.W.
Suite 400 Washington, D.C. 20036

Submitted via email

RE: Proposed Revisions to American Bar Association Standard 206

Dear Hon. Hart:

On behalf of the Legal Defense Fund (LDF) and over 55 civil rights, human rights, law, and other organizations, we urge you to oppose the proposed repeal of the American Bar Association's (ABA) Standard 206, which requires law schools, as a condition of accreditation, to take concrete actions demonstrating a commitment to diversity and inclusion for students and faculty.[1] That directive remains both lawful and necessary. Black students and other students of color are underrepresented in law schools and the legal profession, face financial barriers in affording an increasingly costly legal education, and persevere through hostile environments on campus.[2] Women also continue to experience harassment on campus and barriers in the profession. While the Trump administration has baselessly attacked institutions of higher education, law organizations, and others for advancing diversity, equity, inclusion, and accessibility, courts have blocked the administration's efforts to mandate its reckless misinterpretations of federal civil rights laws.[3] Nor does the forthcoming U.S. Department of Education (ED) accreditation rulemaking prohibit the type of lawful actions Standard 206 encourages.[4] To maintain broader faith in the legal system as a system that can do justice, the ABA must remain steadfast in encouraging lawful efforts by law schools to affirmatively support equal opportunity for all. At the upcoming September 8, 2026 meeting of the Council of the Section of Legal Education and Admissions to the Bar, the ABA should maintain Standard 206

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[1] ABA, Section of Legal Education and Admissions to the Bar, *Standards and Rules of Procedure for Approval of Law Schools 2026-2027*, Standard 206, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2026-2027/2026-2027-standards-chapter-2.pdf (hereinafter "Standard 206").

[2] *See* Sarah Komar, *Compounding Inequities in Law School are not Insurmountable*, DIVERSE: ISSUES IN HIGHER EDUCATION (Aug. 13, 2024), https://www.diverseeducation.com/students/article/15681547/compounding-inequities-in-lawschool-arenotinsurmountable#:~:text=Law%20school%20admission%20rates%20for,with%2079%25%20of%20white%20applicants.

[3] *See e.g.*, *Nat'l Ass'n for the Advancement of Colored People v. U.S. Dep't of Educ.*, No. 25-cv-1120 (D.D.C. 2025), https://storage.courtlistener.com/recap/gov.uscourts.dcd.279521/gov.uscourts.dcd.279521.30.0.pdf; *Am. Federation of Teachers v. U.S. Dep't of Educ.*, No. 1:25-cv-00628 (D. Md. 2025), https://storage.courtlistener.com/recap/gov.uscourts.mdd.577437/gov.uscourts.mdd.577437.60.0.pdf; *Nat'l Educ. Ass'n v. U.S. Dep't of Educ.*, No. 1:25-cv-00091 (D.N.H. 2025), https://storage.courtlistener.com/recap/gov.uscourts.nhd.65138/gov.uscourts.nhd.65138.74.0_1.pdf.

[4] *See* U.S. Dep't of Educ., *Draft Consensus Language from May 21, 2026*, Accreditation, Innovation, and Modernization (AIM) Committee, Negotiated Rulemaking for Higher Education 2026 (May 21, 2026), https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-session-2-consensus-final-114202.pdf (hereinafter "Draft Consensus Language from May 21, 2026").

and signal its support for building inclusive law school communities that help provide equal access to the legal profession.

1. **Ensuring that the legal profession reflects the full range of talent in America is essential to instilling faith in the legal system.**

Ensuring equal access for communities of color and other underrepresented groups in law school is necessary to advancing the fairness and legitimacy of our legal system. Because law schools determine who has access to the legal profession, they play a crucial role in shaping the legal community and preparing lawyers to serve the needs of the whole nation. As the ABA acknowledged in its amicus brief in *Students for Fair Admissions v. Presidents and Fellows of Harvard College* (*SFFA*):

> There is considerable evidence that the decisions of and actions by lawyers today are influenced by implicit bias and stereotypes that contribute to the denial of equal justice under the law. . . . [D]iverse educational environments help break down racial biases and stereotypes by exposing all students to people with varied backgrounds and experiences. In so doing, they . . . improve the capacity of all the future lawyers they produce to fulfill their critical role in the fair implementation of justice, without the distorting influence of racial bias.[5]

Ensuring the legal community reflects the full range of talent in the United States increases public faith in the rule of law by signaling the judicial process values everyone and considers their perspectives and interests when rendering decisions that can significantly impact their lives.[6] Representation is particularly important in criminal legal cases, civil rights litigation, and other areas where the legal system has either exhibited bias against Black people and other people of color[7] or where people are seeking to challenge discrimination they face in other areas of life.

Unfortunately, Black people remain underrepresented in the legal profession. According to the ABA, the "number of Black lawyers is unchanged over the past decade. Black lawyers were 5% of the profession in 2014 and 5% in 2024. That's far less than the percentage of Black people in the U.S. population (13.7%)."[8] Similarly, Latino lawyers account for 6% of the profession but 19.5% of the U.S. population.[9] These disparities persist throughout the legal field. Recent data shows that only 12.7% of law partners are people of color and only 2.4% of law partners are

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[5] Brief for Am. Bar Ass'n. as Amicus Curiae Supporting Respondents at 5-6, *Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina, et al.,* 600 U.S. 181 (2023), https://www.supremecourt.gov/DocketPDF/20/20-1199/232284/20220801104335076_20-1199_21-707%20Amicus%20Curiae%20Brief.pdf

[6] *Id.* at 18-23.

[7] *E.g.,* NAT'L IMM. PROJECT, ET AL., BIAS IN THE CRIMINAL LEGAL SYSTEM: A REPORT AGGREGATING SOCIAL SCIENCE RESEARCH AND REPORTING ON RACIAL BIAS IN THE CRIMINAL LEGAL SYSTEM (2024), https://nipnlg.org/sites/default/files/2024-06/2024-Bias-Criminal-Legal-System.pdf; KESHA MOORE, LDF THURGOOD MARSHALL INSTITUTE, PRETRIAL JUSTICE WITHOUT MONEY BAIL OR RISK ASSESSMENTS, PRINCIPLES FOR RACIALLY JUST BAIL REFORM (2022), https://tminstituteldf.org/wp-content/uploads/2022/01/TMI_PretrialJusticeWithoutCBorRA2.pdf (discussing racial bias in pretrial incarceration decisions); Ella Wiley, *How Racism in the Courtroom Produces Wrongful Convictions and Mass Incarceration*, Legal Defense Fund (Jul. 20, 2022), https://www.naacpldf.org/racism-wrongful-convictions-mass-incarceration/.

[8] *See* Am. Bar Ass'n, Demographics, ABA Profile of the Legal Profession, https://www.americanbar.org/news/profile-legal-profession/demographics/ (last visited Aug. 11, 2026).

[9] *See id.*

Black.[10] Courts across the country also lack diversity in the judiciary, with 18 states having no justices of color on their highest courts.[11] Women also remain underrepresented in the judiciary.[12] Similarly, in 2019, approximately 95% of elected state and local prosecutors across the country were white, and 75% were men.[13] Only eight out of 2,396 elected prosecutors in the United States identified as Asian American.[14] These racial disparities are not the result of Black people or other people of color being less capable or qualified, but rather the failure of educational institutions to identify and eliminate discriminatory admissions policies, support Black students and other students of color who gain admission, create learning environments that are free from prejudice, and foster professional pathways for talented individuals who may be unfairly disadvantaged.[15]

Black students and other students of color face significant barriers in gaining admission into and enrolling in ABA-accredited law schools. Admissions policies that overly rely on factors like Law School Admissions Test (LSAT) scores, undergraduate institution selectivity, and legacy status create barriers to equal access by disproportionately advantaging white and wealthy students.[16] As a result, 79% of white applicants received at least one law school admissions offer compared to only 47% of Black applicants, 57% of Latino applicants, and 53% of Indigenous applicants.[17] Even when admitted, Black students and other students of color face disproportionate financial obstacles that make law school too costly to pursue. For example, only 9% of Black law students and 15% of Latino law students receive financial assistance from their parents compared to 21% of white law students and the vast majority of Black students and Latino students rely on loans to finance their legal educations.[18] Recent changes in federal law

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[10] *See* Nat'l Ass'n for L. Placement, *2025 Report on Diversity in U.S. Law Firms* (Mar. 2026), https://www.nalp.org/uploads/2025NALPReportonDiversity.pdf.

[11] Am. Bar Ass'n, *Judges*, in *ABA Profile of the Legal Profession* (2024), https://www.americanbar.org/news/profile-legal-profession/judges/.

[12] *Id.*

[13] REFLECTIVE DEMOCRACY CAMPAIGN, TIPPING THE SCALES: CHALLENGERS TAKE ON THE OLD BOYS' CLUB OF ELECTED PROSECUTORS (2019); Nicholas Fandos, *A Study Documents the Paucity of Black Elected Prosecutors: Zero in Most States,* N.Y. Times (Jul. 7, 2015), https://www.nytimes.com/2015/07/07/us/a-study-documents-the-paucity-of-black-elected-prosecutors-zero-in-most-states.html.

[14] TYLER DANG, ET A., A PORTRAIT OF ASIAN AMERICANS IN THE LAW 2.0 IDENTITY AND ACTION IN CHALLENGING TIMES 37-38 (2022), https://static1.squarespace.com/static/59556778e58c62c7db3fbe84/t/63e8522fff48fc1549092255/1676169780324/ABF_Portrait123_pp3.pdf.

[15] People with disabilities also remain underrepresented in the legal profession. *See, e.g.*, Letter from Crip the Law to Daniel Thies, Council Chair of the Am. Bar Ass'n's Section of Legal Education and Admissions to the Bar Comment on the Am. Bar Ass'n's Proposed Repeal of Standard 206 on Diversity, Equity, and Inclusion in Law Schools (Apr. 13, 2026), https://cripthelaw.org/crip-the-laws-comment-on-the-american-bar-associations-proposed-repeal-of-standard-206-on-diversity-equity-and-inclusion-in-law-schools/.

[16] *See e.g.*, Aatish Bhatia, et al., *Study of Elite College Admissions Data Suggests Being Very Rich Is Its Own Qualification*, N.Y. TIMES (Jul. 24, 2023), https://www.nytimes.com/interactive/2023/07/24/upshot/ivy-leagueelite-college-admissions.html; Marisa Manzi & Nina Totenberg, *'Already Behind': Diversifying the Legal Profession Starts Before the LSAT*, NPR (Dec. 22, 2020) https://www.npr.org/2020/12/22/944434661/already-behind-diversifying-the-legal-professionstarts-before-the-lsat; Education Trust, *Segregation Forever? The Continued Underrepresentation of Black Undergraduates at the Nation's 122 Most Selective Private Colleges and Universities* (2023), https://edtrust.org/wpcontent/uploads/2014/09/Seg-Forever-Private-Colleges-FINAL.pdf.

[17] *See* Sarah Komar, *Compounding Inequities in Law School are not Insurmountable*, DIVERSE: ISSUES IN HIGHER EDUCATION (Aug. 13, 2024), https://www.diverseeducation.com/students/article/15681547/compounding-inequities-in-lawschool-are-notinsurmountable#:~:text=Law%20school%20admission%20rates%20for,with%2079%25%20of%20white%20applicants.

[18] *See* Nareissa Smith, *Factors Affecting Bar Passage Among Law Students: The REAL Connection Between Race and Bar Passage*, AFR. AM. ATT'Y NETWORK (May 15, 2018), https://perma.cc/ L6EX-SRCG; Gita Z. Wilder, *Law School Debt Among New Lawyers: An After the JD Monograph* (NALP Foundation for Law Career Research &

exacerbate these barriers by capping federal student loans for law school at $50,000 a year and up to $200,000 total.[19] Preliminary analyses indicate that over 80% of law schools' total cost of attendance currently exceed this $50,000 a year cap, requiring low-income students without other financial assistance to turn to costly private loans to finance their degrees or forgo law school altogether.[20] Private lenders have a history of discriminating against marginalized communities and are inaccessible for many Black borrowers and other borrowers of color.[21] In a recent study on "educational redlining", the advocacy group Protect Borrowers submitted hypothetical student profiles to private lenders and found that a hypothetical Howard University graduate would have been charged nearly $3,499 more over the life of a five-year loan by one lender than a similarly situated New York University graduate.[22]

Once enrolled, Black students, other students of color, and women students face other difficulties that make graduation more difficult. Research has found significant correlation between the percentage of faculty of color and the graduation rates of students of color on campuses.[23] Yet law schools lack racially-diverse faculty, with only 17% of faculty and administrators at schools being people of color.[24] Beyond the lack of representative faculty, institutions of higher education have also been sites of racial harassment creating hostile environments for Black students.[25] This past year, the group "Faculty, Alumni, and Students Opposed to Racial Preferences" sent targeted emails to students across the country with racially harassing and threatening messages, leading many law students of color to feel unsafe at school.[26] Asian American[27] and women[28] law students have also experienced harassment. Law students cannot thrive in the absence of welcoming and inclusive learning environments.

Education & The American Bar Foundation 2007), https://web.archive.org/web/20220122015342/https://www.nalp.org/assets/645_ajddebtmonograph2007final.pdf.

[19] *See* Reimagining and Improving Student Education—Federal Student Loan Program Final Regulations, 91 Fed. Reg. 23,883 (May 1, 2026) (to be codified at 34 C.F.R. pt. 685).

[20] *See* The LawSchoolGap Data Team, *Every Law Program Ranked by Total Cost (2026)*, LAW SCHOOL GAP (Feb. 28, 2026, updated Mar. 2026), https://lawschoolgap.com/articles/every-law-program-ranked-by-cost-2026.

[21] *See* STUDENT BORROWER PROTECTION CENTER, EDUCATIONAL REDLINING (2020), https://protectborrowers.org/wp-content/uploads/2020/02/Education-Redlining-Report.pdf.

[22] *See id.*

[23] *See* Rebecca Stout, et al., *The relationship between faculty diversity and graduation rates in higher education*, 29 INTERCULTURAL ED. 399 (2018).

[24] *See* Nicholas A. Bowman et al., *Promoting Graduation Outcomes for Racially Minoritized Law School Students: Examining the Role of Finances, Racial Representation, and Prestige*, J. OF POST-SECONDARY STUDENT SUCCESS, vol. 1, no. 4 at 7 (2022), https://doi.org/10.33009/fsop_jpss130217.

[25] *See* Erin C. Lain, *Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment*, 67 J. LEGAL EDUC. 780 (2018).

[26] *See e.g.*, Caroline G. Hennigan & Bradford D. Kimball, *HLS Dean of Students Condemns 'Disturbing' Mass Emails Sent to Students After Law Review Controversy,* Harvard Crimson (Apr. 28, 2025), https://www.thecrimson.com/article/2025/4/28/hls-dos-condemns-emails/; Chris Williams, *Harvard Law Students Hit With Invitation to Lie on Their Law Review Personal Statements, Professors Should Speak Out on It,* ABOVE THE LAW (Apr. 29, 2025), https://abovethelaw.com/2025/04/harvard-law-students-hit-with-invitation-to-lie-on-their-law-review-personal-statements-professors-should-speak-out-on-it/; Chris Williams, *Totally Serious And Not Made-Up Group Hijacks Michigan Law Listserv To 'Preserve Evidence' And Expose 'Unworthy' Students,* ABOVE THE LAW (Apr. 1, 2025), https://abovethelaw.com/2025/04/totally-serious-and-not-made-up-group-hijacks-michigan-law-listserv-to-preserve-evidence-and-expose-unworthy-students/.

[27] Josh Moody, *Professor's Anti-Asian Slur Creates Stir at Georgetown Law,* INSIDE HIGHER ED. (Feb. 16, 2022), https://www.insidehighered.com/quicktakes/2022/02/17/professor%E2%80%99s-anti-asian-slur-creates-stir-georgetown-law.

[28] Scott Michelman & Rebecca Ojserkis, *Punished for Reporting Sexual Harassment: How One Law School Almost Got a Student Survivor Banned From the Bar*, ACLU (Sept. 29, 2020), https://www.aclu.org/news/womens-rights/punished-for-reporting-sexual-harassment-how-one-law-school-almost-got-a-student-survivor-banned-from-the-bar.

2. Standard 206 remains consistent with federal law.

Standard 206 directs law schools to take affirmative steps to try to remedy the unfair barriers faced by students, including Black students and other students of color, based on race, ethnicity, gender, and other characteristics, and to provide equal access to educational opportunities for all. This standard is as important now as ever.

While the Trump administration has misconstrued federal law and recent Supreme Court precedents to deter schools from advancing diverse, equitable, inclusive, and accessible environments for students and faculty, their arguments do not withstand legal scrutiny. In particular, opponents of civil rights have relied on a purposeful misreading of the Supreme Court's decision in *SFFA* to make unsupported, sweeping statements about the purported illegality of all diversity, equity, inclusion, and accessibility goals and initiatives.[29] However, *SFFA* does not prohibit the *goal* of pursuing diversity, but simply recognizes limits on the *means* that could be used to pursue that goal, applying the strict scrutiny standard to hold that Harvard and the University of North Carolina improperly used race as a factor in admissions.[30] Contrary to the Trump administration's claims, *SFFA* expressly discusses the merits of racially-diverse student bodies as well as lawful race-neutral strategies for pursuing that "commendable goal."[31]

Even after *SFFA,* federal and state laws still require law schools to provide educational opportunities free from discrimination on the basis of race, color, or national origin—including for Black students and other students of color.[32] These laws create an obligation not only for law schools to not discriminate, but also to address unfair barriers limiting equal access to educational opportunities.

Standard 206 fits neatly within these existing legal obligations.[33] This Standard requires law schools, as a condition of accreditation, to demonstrate actions indicating a commitment to diversity and inclusion for students and faculty. Nothing in this Standard requires or encourages law schools to violate federal or state law to satisfy this commitment to diversity and inclusion. Importantly, the Standard focuses on "providing full opportunities" for underrepresented students rather than mandating quotas for students or faculty. Nor does the Standard require schools to use specific means to achieve the "commendable goal" of a diverse student body and faculty. Standard 206 even includes an additional Interpretation 206-1 to further emphasize law schools must comply without pursuing means "prohibited by applicable constitutional or statutory provisions."[34]

Law schools have a host of lawful options to foster racial diversity and inclusivity on campus. For example, expanding holistic review to consider factors like first-generation college status or socioeconomic status, expanding recruitment and marketing to include underserved communities, and providing increased financial aid are all effective strategies to increase student body diversity without implicating the constitutional constraints outlined in *SFFA*.[35]

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[29] *Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina*, et al., 600 U.S. 181 (2023).
[30] *See id*.
[31] *See id*.
[32] *See* Civil Rights Act of 1964, 42 U.S.C. § 2000d (1964); 34 C.F.R. § 100.3 (1991).
[33] Standard 206, *supra* note 1.
[34] *Id*.
[35] *See* OiYan Poon, *Admissions for Democratic Merit: An Evidence-Based Analysis and Possibilities for Equity*, LDF THURGOOD MARSHALL INSTITUTE (Aug. 2025), https://tminstituteldf.org/democratic-merit-college-admissions-equity/; ARTHUR L. COLEMAN & JAMIE L. KEITH, EDUCATIONCOUNSEL, NAVIGATING THE POST-SFFA LANDSCAPE: ADVANCING

Similarly, fostering a racially-inclusive campus by supporting student affinity groups that are open to all or by effectively addressing racial harassment when it appears can ensure equal educational opportunities for all students consistent with the law. The Trump administration's efforts to restrict such activities have repeatedly been blocked.[36]

3. Nothing in the forthcoming ED accreditation rulemaking changes how law schools can advance diversity, equity, inclusion, and accessibility.

While ED recently proposed changes to the accreditation system for higher education institutions, none of these changes would prohibit the ABA from maintaining Standard 206. In April and May of 2026, ED engaged in a negotiated rulemaking and reached consensus language that will form the basis of a forthcoming rule proposing changes to ED's accreditation regulations. The consensus language includes provisions prohibiting "standards that encourage, direct, or otherwise require institutions or programs to violate Federal or State law, including by having policies that provide any preferences on the basis of race."[37] As discussed above, nothing in Standard 206 requires or encourages institutions to violate the law, and law schools can support diversity and inclusion without providing preferences on the basis of race. While ED may intend for this provision to chill lawful efforts to promote diversity, equity, inclusion, and accessibility, nothing in the regulatory text itself would prohibit accreditors like the ABA from having broad diversity and inclusion goals.

4. In order to maintain faith in the rule of law and the legal system's potential to do justice for all, the ABA should not bow to the latest tactic in the Trump administration's ongoing pressure campaign against higher education and the legal profession.

The fundamental right to counsel is a pillar of the United States legal system. Yet the Trump administration has repeatedly sought to attack and intimidate the legal profession, often using allegations of "illegal DEI" to attempt to intimidate lawyers who have represented the administration's opponents or opposed its interests. In early 2025, for example, the administration issued a series of executive orders targeting law firms that it perceived as

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EQUITY-MINDED, LAW-ATTENTIVE PRACTICES IN HIGHER EDUCATION (2024), https://www.nelsonmullins.com/storage/7L92ES9nX7OjffECkpCHcAHUyPy6e7qFOFJxFBnT.pdf.

[36] For example, the U.S. Department of Education's Office for Civil Rights (OCR) released a Dear Colleague Letter on February 14, 2025 (DCL), with broad, sweeping statements implying that diversity, equity, inclusion, and accessibility efforts in schools violate federal civil rights laws. *See* U.S. Dep't of Educ., Office for Civil Rights, Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard (Feb. 14, 2025), *enforcement enjoined by Nat'l Educ. Ass'n v. U.S. Dep't of Educ.*, No. 25-CV-091-LM (D.N.H. Apr. 24, 2025). LDF sued on behalf of the NAACP alongside parallel cases in two other jurisdictions. In all three cases, federal courts found the OCR DCL to be unlawful and likely unconstitutional. *See Nat'l Ass'n for the Advancement of Colored People v. U.S. Dep't of Educ.*, No. 25-cv-1120 (D.D.C. 2025), https://storage.courtlistener.com/recap/gov.uscourts.dcd.279521/gov.uscourts.dcd.279521.30.0.pdf; *Am. Federation of Teachers v. U.S. Dep't of Educ.*, No. 1:25-cv-00628 (D. Md. 2025), https://storage.courtlistener.com/recap/gov.uscourts.mdd.577437/gov.uscourts.mdd.577437.60.0.pdf; *Nat'l Educ. Ass'n v. U.S. Dep't of Educ.*, No. 1:25-cv-00091 (D.N.H. 2025), https://storage.courtlistener.com/recap/gov.uscourts.nhd.65138/gov.uscourts.nhd.65138.74.0_1.pdf. These federal courts enjoined ED from enforcing the OCR DCL. One court vacated the OCR DCL and ED chose not to appeal. *See* Kalyn Belsha, *Education Dept. Drops Appeal in Case Challenging Anti-DEI Letter*, THE 74 (Jan. 21, 2026), https://www.the74million.org/article/education-dept-drops-appeal-in-case-challenging-anti-dei-letter/.

[37] *See* Draft Consensus Language from May 21, 2026, *supra* note 4. *See also* Unpublished Proposed Rule on Accreditation, Innovation, and Modernization: Secretary's Recognition of Accrediting Agencies: Institutional Eligibility under the Higher Education Act, as Amended, Student Assistance General Provisions, Federal Register, https://www.federalregister.gov/public-inspection/2026-17001/accreditation-innovation-and-modernization-secretarys-recognition-of-accrediting-agencies (last visited Aug. 19, 2026).

political adversaries, including issuing threats related to initiatives taken by law firms to foster racially inclusive and diverse organizations.[38] Some of the targeted law firms entered into settlement agreements with the administration.[39] Other firms remained steadfast, sued the administration, and won in court. [40] Similarly, U.S. Equal Employment Opportunity (EEOC) Commission Chair Andrea Lucas sent letters to 20 law firms requesting extensive data on race, sex, academic records, compensation, and affiliations with diversity organizations.[41] The EEOC later conceded that it could not force the law firms to turn over that data.[42] The Trump administration has also attacked accreditors seeking to promote values of diversity and inclusion, specifically naming the ABA.[43]

Attorneys should not be subject to constant fear of attack and retaliation for representing clients or pursuing this country's highest ideals of equality. We urge the ABA to not yield to the Trump administration's threats and to signal its continued support for Black students and faculty at law schools by maintaining Standard 206. Abandoning support for diverse and inclusive law schools in response to baseless threats would embolden the Trump Administration to continue stamping out viewpoints that it disagrees with, even when the law is not on its side. This decision would also signal that the legal profession is not willing to advocate for its ideals. If the ABA fails to stand by its commitment to ensuring that people from all backgrounds have access to the legal profession, then Black students and other underrepresented communities will bear the consequences.

5. Conclusion

Black people and other underrepresented communities continue to face barriers in accessing the legal profession, and law schools play a significant role in creating this underrepresentation. The ABA's Standard 206 addresses these challenges by requiring schools to display a commitment to diversity and inclusion by taking actions that advance equal educational opportunities. Law schools have many lawful tools available to advance these goals, and forthcoming changes to ED's accreditation regulations do not change the picture.

At its upcoming September meeting, the ABA Council of the Section of Legal Education and Admissions to the Bar has the opportunity to make a historic commitment to provide equal educational opportunities for all and stand up to pressure by maintaining Standard 206. It is no coincidence that the cases setting the foundation for *Brown v. Board of Education*[44] and the end

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[38] *See e.g.*, Exec. Order No. 14,230, Addressing Risks From Perkins Coie LLP (Mar. 6, 2025); Exec. Order No. 14,237, Addressing Risks From Paul Weiss (Mar. 14, 2025); Exec. Order No. 14,246, Addressing Risks from Jenner & Block (Mar. 25, 2025); Exec. Order No. 14,250, Addressing Risks from WilmerHale (Mar. 27, 2025); Exec. Order No. 14,263, Addressing Risks from Susman Godfrey).

[39] *See* Melissa Quinn, *Law Firm Skadden Cuts $100 Million Pro Bono Deal With Trump to Avoid Executive Order*, CBS NEWS (Mar. 29, 2025), https://www.cbsnews.com/news/law-firm-skadden-cuts-100-million-pro-bono-deal-trump-avoid-executive-order/.

[40] *See Perkins Coie LLP v. U.S. Dep't of Justice*, 783 F. Supp. 3d 133 (D.D.C. 2025); *Jenner & Block LLP v. U.S. Dep't of Justice*, 784 F. Supp. 3d 76 (D.D.C. 2025); *Wilmer Cutler Pickering Hale & Dorr LLP v. Exec. Office of the President*, 784 F. Supp. 3d 127 (D.D.C. 2025); *Susman Godfrey LLP v. Exec. Office of the President*, 789 F. Supp. 3d 15 (D.D.C. 2025).

[41] Press Release, Democracy Forward, Following Suit by Law Students, EEOC Backs Down on Data Demands to Law Firms: EEOC Settles Lawsuit, Admits the Demands it Placed on Law Firms Were Nonbinding (Feb. 9, 2026), https://democracyforward.org/news/press-releases/following-suit-by-law-students-eeoc-backs-down-on-data-demands-to-law-firms/.

[42] *Id.*

[43] Exec. Order No. 14,279, Reforming Accreditation to Strengthen Higher Education (Apr. 23, 2025). *See also* Letter from Attorney General Pamela Bondi to the Am. Bar Ass'n (Feb. 28, 2025), https://www.justice.gov/ag/media/1392081/dl?inline.

[44] *Brown v. Board of Education*, 347 U.S. 483 (1954).

of racial segregation first addressed the segregation of law schools in this country.[45] If the institutions that feed our legal system are incapable of reflecting true justice themselves, then societal faith in that system may weaken. The ABA has an obligation to prevent that erosion of faith.[46] The ABA must therefore stand strongly behind its values. LDF and the undersigned organizations strongly urge the ABA to maintain Standard 206.

Thank you for your time and attention to these issues. Please reach out to Ray Li, Policy Counsel (rli@naacpldf.org), or Amalea Smirniotopoulos, Senior Policy Counsel and Co-Manager of the Equal Protection Initiative (asmirniotopoulos@naacpldf.org), if you have any questions.

Sincerely,

The Legal Defense Fund
Advancing Real Change, Inc.
American Association of University Women (AAUW)
American Civil Liberties Union Foundation
American Constitution Society
Andrew Goodman Foundation
As You Sow
Asian Americans Advancing Justice Southern California (AJSOCAL)
Asian Americans Advancing Justice-Atlanta
Asian Law Caucus
Capital Punishment Project, American Civil Liberties Union
Center for Death Penalty Litigation (CDPL)
Center for Constitutional Rights
Clearinghouse on Women's Issues
Del Pueblo Law, LLC
Education Law Center
Equal Justice Society
Equal Rights Advocates
Feminist Majority Foundation
Fred T. Korematsu Center for Law and Equality
Glisten
Innocence Project
Jellison & Nathanson, LLP
Just Solutions
LatinoJustice PRLDEF
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil and Human Rights
Legal Aid DC
Mississippi Center for Justice
Muslim Advocates
NAACP

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[45] *See McLaurin v. Okla. State Regents for Higher Educ.*, 339 U.S. 637 (1950); *Sweatt v. Painter*, 339 U.S. 629 (1950); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); *Sipuel v. Bd. of Regents of Univ. of Okla.*, 332 U.S. 631 (1948).

[46] This is especially true given the ABA's history of racial exclusion itself. The ABA initially refused to allow Black lawyers to join the organization, which spurred the creation of the National Bar Association in 1925. *See* Dominique Richardson, *100 Years of Justice: Celebrating the Legacy of the National Bar Association*, OUR LEGACY, BRIEFED (Aug. 1, 2025), https://ourlegacybriefed.com/2025/08/01/national-bar-association/.

National Association of Social Workers
National Bar Association
National Black Law Students Association
National Center for Law and Economic Justice
National Center for Youth Law
National Conference of Black Lawyers (NCBL)
National Disabled Legal Professionals Association (d/b/a Crip the Law)
National LGBTQ+ Bar Association and Foundation
National Organization for Women
National Partnership for Women & Families
National Urban League
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
Onyx Impact
Poverty & Race Research Action Council
Race Forward
Roderick & Solange MacArthur Justice Center
Secular Student Alliance
SEIU Legal Department
Sentencing Advocacy Group of Evanston
Southern Center for Human Rights
Southern Poverty Law Center
Stop Sexual Assault in Schools
The Sikh Coalition
Western Region Black Law Students Association
Wiseman, Schwartz, Cioschi & Trama
Women Employed