

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

**Faculty, Alumni, and Students
Opposed to Racial Preferences,**

Plaintiff,

v.

Case No. 1:18-cv-12105

**Harvard Law Review; Harvard Law
School; President and Fellows of
Harvard College; Betsy DeVos, in her
official capacity as U.S. Secretary of
Education,**

Defendants.

COMPLAINT

Federal law prohibits universities that accept federal funds from discriminating on account of race or sex. *See* 42 U.S.C. § 2000d (Title VI); 20 U.S.C. § 1681 (Title IX). The Harvard Law Review is flouting these requirements by using race and sex preferences to select its members—a practice that violates the clear and unequivocal language of Title VI and Title IX. The Harvard Law Review is also engaging in illegal race and sex discrimination when selecting articles for publication, by giving preference to articles written by women or racial minorities. The plaintiff brings suit to enjoin these discriminatory practices, and to ensure that all components of Harvard University comply with their obligations under federal anti-discrimination law.

JURISDICTION AND VENUE

1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.
2. Venue is proper because a substantial part of the events giving rise to the claims occurred in this judicial district. *See* 28 U.S.C. § 1391(b)(2).

PARTIES

3. Plaintiff Faculty, Alumni, and Students Opposed to Racial Preferences (FASORP) is an unincorporated nonprofit membership association organized under the laws of Texas. Its website is at <http://www.fasorp.org>.

4. The President and Fellows of Harvard College is the legal name of Harvard University. It can be served at its Office of the General Counsel, located at Smith Campus Center, Suite 980, 1350 Massachusetts Avenue, Cambridge, Massachusetts 02138-3834. For simplicity and ease of exposition, we will refer to this defendant as Harvard University in our court filings.

5. Defendant Harvard Law School is located at 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

6. Defendant Harvard Law Review is located at Gannett House, 1511 Massachusetts Avenue, Cambridge, MA 02138.

7. Defendant Betsy DeVos is the U.S. Secretary of Education. Her office is located at 400 Maryland Avenue, SW, Washington, D.C. 20202. She is sued in her official capacity.

FACTS

8. The Harvard Law Review is an academic journal edited and operated by students at Harvard Law School. The students select and edit the articles that the Law Review will publish, and they select the students who serve as members and editors of the Law Review.

9. Until recently, membership on the Law Review was an academic honor reserved to students who were selected on account of their first-year grades and their performance on a writing competition.

10. In recent years, however, the Harvard Law Review has been using race and sex preferences to select its members.

11. The Harvard Law Review's use of racial preferences started before 1995. *See* Lisa Anderson, *Law Review Masks Diversity in a New Admission System*, New York Times A17 (July 7, 1995), available at <https://nyti.ms/297Of5K> (last visited on October 6, 2018) (“Nine of the nation’s top 20 law school reviews, including those at Cornell, Harvard, New York University and the University of Virginia, have affirmative action policies or diversity plans”) (attached as Exhibit 2).

12. The Harvard Law Review started using sex preferences to select its members in 2013. *See* Dev A. Patel, *Harvard Law Review Expands Affirmative Action*, Harvard Crimson (February 21, 2013), available at <https://bit.ly/2NL8kRH> (last visited on October 6, 2018) (“The Harvard Law Review, which has historically been staffed by disproportionately more men than women, has expanded its affirmative action policy to include gender as a criteria in its editor selection process.”) (attached as Exhibit 3).

13. The Harvard Law Review explains its membership-selection policies on its website. *See* <https://harvardlawreview.org/about> (last visited on October 6, 2018) (attached as Exhibit 1).

14. The Harvard Law Review selects 48 new editors each year from the rising 2L class. *Id.* The Law Review extends membership offers to 20 students based solely on their performance on a writing competition. *Id.* Another seven students, one from each first-year section, are chosen based on an “equally weighted combination of [writing] competition scores and 1L grades.” *Id.* Three more students are chosen based on this same equally weighted combination of 1L grades and writing-competition scores, but without regard to section. *Id.*

15. After these 30 students are selected on the basis of merit, the remaining 18 students are selected “through a holistic but anonymous review that takes into account all available information.” *Id.* The Law Review’s website is cagey on exactly how this “holistic” evaluation is conducted, but it provides assurances that it “remains strongly committed to a diverse and inclusive membership.” *Id.*

16. To facilitate its “holistic” evaluations, the Law Review invites all applicants to “make aspects of their identity available through the *Law Review*’s holistic consideration process,” and promises that they “will have the opportunity to indicate their racial or ethnic identity, physical disability status, gender identity, sexual orientation, and socioeconomic status.” *Id.* It also offers “the option of submitting an expository statement of no more than 150 words that identifies and describes aspects of their background not fully captured by the categories provided on the form.” *Id.*

17. The Harvard Law Review uses these “holistic” evaluations, identity forms, and “expository statements” to give preferential treatment to women, “underrepresented” racial minorities, homosexuals, and transgendered people when selecting its members and editors.

18. The Harvard Law Review also discriminates on account of race and sex when selecting articles for publication, by giving preferential treatment to articles written by women or racial minorities.

19. Harvard Law School has established a “Policy on Discrimination,” which declares that “[i]t is unlawful, and a violation of HLS rules, for any HLS student organization to discriminate in violation of the Law School’s Non Discriminatory Policy.” *See* <https://bit.ly/2LqcXUv> (last visited on October 6, 2018) (attached as Exhibit 4).

20. Harvard Law School’s Non-Discrimination Policy, in turn, provides that:

Harvard Law School does not discriminate against any person on the basis of race, color, religion, creed, national or ethnic origin, age, sex, gender identity, sexual orientation, marital or parental status, disability, source of income, or status as a veteran in admission to, access to, treatment in, or employment in its programs and activities. The Law School has instituted these policies and certain procedures to ensure a safe and non-discriminatory environment and to meet legal requirements, including Title IX of the Education Amendments of 1972. All employers using the facilities and services of the career services offices must comply

with these policies and procedures. Harvard Law School makes one exception to this policy. Under threat of loss of funding to the University resulting from the Solomon Amendment, the Law School has suspended the application of its non-discrimination policy to military recruiters. This exception to our policy does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.

See <https://bit.ly/2LJ9YU> (last visited on October 6, 2018) (attached as Exhibit 5).

21. Harvard Law School is not enforcing its Non-Discrimination Policy against the Harvard Law Review, even though it claims to require all HLS student organizations to comply with it. Instead, Harvard Law School and Harvard University have allowed these discriminatory membership-selection and article-selection practices to continue—even though they violate the clear and unambiguous text of Title VI and Title IX, as well as the Law School’s own non-discrimination policy.

STANDING

22. FASORP has associational standing to challenge the Harvard Law Review’s use of race and sex preferences.

23. To establish associational standing, an entity must show that: “(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977).

24. Members of FASORP would have standing to challenge the defendants’ violations of Title VI and Title IX if they sued as individuals.

25. Faculty members of FASORP who submit articles to the Harvard Law Review are being subjected to race and sex discrimination because the Harvard Law Review gives preference to articles written by women and racial minorities at the expense of articles written by FASORP members who are white or male. This discriminatory treatment inflicts “injury in fact.” See *Ne. Fla. Chapter of Associated Gen. Contractors*

of Am. v. City of Jacksonville, 508 U.S. 656, 666 (1993). The injury is caused by the Harvard Law Review’s discriminatory article-selection practices, and that injury will be redressed by an injunction that bars the Harvard Law Review from considering the race or sex of an author when selecting articles for publication.

26. Members of FASORP who submit articles to the Harvard Law Review suffer a separate and distinct “injury in fact” from the journal’s membership-selection policies. Because the Harvard Law Review has subordinated academic merit to diversity considerations when selecting its members and editors, the articles that FASORP members submit to the Law Review are judged by less capable students—and these are the students who will ultimately make the career-altering decision of whether a professor’s article gets accepted for publication or rejected. This inflicts “injury in fact.” This injury is caused by the Harvard Law Review’s use of race and sex preferences, and it will be redressed by an injunction that bars the Harvard Law Review from considering race or sex when selecting its members and editors.

27. There is a yet another “injury in fact” inflicted on FASORP members who submit articles to the Harvard Law Review: Those who have their articles accepted by the journal must submit to a student-run editing process, and the Law Review’s use of race and sex preferences dilutes the quality of the students who edit an author’s manuscript. This “injury in fact” is caused by the Harvard Law Review’s use of race and sex preferences, and it will be redressed by an injunction that bars the Harvard Law Review from considering race or sex when selecting its members and editors.

28. Members of FASORP who are alumni of the Harvard Law Review suffer “injury in fact” from race and sex preferences that diminish the prestige of the law-review credential. *See, e.g.*, Richard A. Posner, *Overcoming Law* 77 (1995) (“The *Harvard Law Review*, with its epicycles of affirmative action, is on the way to becoming a laughingstock.”). Law-review membership is supposed to be an academic honor—and it was always regarded as such until journals started using race and sex

preferences to select their members. Now law-review membership at Harvard is part of a politicized spoils system and no longer acts as a reliable signaling device for academic ability or achievement. This “injury in fact” is caused by the Harvard Law Review’s use of race and sex preferences, and it will be redressed by an injunction that bars the Harvard Law Review from considering race or sex when selecting its members and editors.

29. Members of FASORP who are female or minority alumni of the Harvard Law Review suffer an additional “injury in fact” because their law-review membership is now viewed with suspicion—and it is difficult or impossible for them to prove that they earned their law-review membership because of academic merit rather than the Law Review’s diversity set-asides. *See* Dev A. Patel, *Number of Female Harvard Law Review Editors Nearly Doubled in First Gender-Based Affirmative Action Cycle*, Harvard Crimson (October 7, 2013), available at <https://bit.ly/2mQiBR2> (last visited on October 6, 2018) (acknowledging that “it is unclear whether the increase in female editors is due to the new affirmative action policy or if more women were selected by chance using the gender-blind processes.”) (attached as Exhibit 6). This “injury in fact” is caused by the Harvard Law Review’s use of race and sex preferences, and it will be redressed by an injunction that bars the Harvard Law Review from considering race or sex when selecting its members and editors.

30. Members of FASORP who are current students at Harvard Law School will be denied an equal opportunity to compete for membership on the Law Review on account of their race, sex, sexual orientation, or gender identity. This discriminatory treatment inflicts “injury in fact.” *See Ne. Fla. Chapter*, 508 U.S. at 666. This injury is caused by the Harvard Law Review’s use of race and sex preferences, and it will be redressed by an injunction that bars the Harvard Law Review from considering race or sex when selecting its members and editors.

31. Members of FASORP who are female or minority students at Harvard Law School—and who would have earned their way on to Law Review without help from the Diversity Committee—will suffer “injury in fact” because their law-review membership will be tainted by the journal’s diversity set-asides. This injury is caused by the Harvard Law Review’s use of race and sex preferences, and it will be redressed by an injunction that bars the Harvard Law Review from considering race or sex when selecting its members and editors.

32. The interests that FASORP seeks to protect in the litigation are germane to the organization’s purpose. As its name suggests, FASORP seeks to restore meritocracy at American universities by eliminating the use of race and sex preferences.

33. Neither the claims asserted by FASORP nor the relief requested in this litigation requires the participation of individual FASORP members.

STATEMENT OF CLAIMS

34. The Harvard Law Review is violating Title VI and Title IX by using race and sex preferences when selecting its members, editors, and articles.

35. Harvard Law School and Harvard University are violating Title VI and Title IX by allowing the Harvard Law Review to use race and sex preferences when selecting its members, editors, and articles—in direct contravention of the Law School’s supposed non-discrimination policy.

36. Secretary DeVos is violating Title VI and Title IX by allowing Harvard University to receive federal funding while the Harvard Law Review, Harvard Law School, and Harvard University discriminate on account of race and sex.

37. The plaintiff brings suit under Title VI, Title IX, the Administrative Procedure Act, and any other law that might supply a cause of action for the requested relief.

DEMAND FOR RELIEF

38. The plaintiff respectfully requests that the court:
- a. declare that the Harvard Law Review's membership-selection and article-selection policies violate Title VI and Title IX;
 - b. permanently enjoin the Harvard Law Review from considering race, sex, sexual orientation, or gender identity when selecting its members, editors, or articles;
 - c. permanently enjoin the Harvard Law Review from soliciting information about an applicant's or author's race, sex, sexual orientation, or gender identity;
 - d. order the Harvard Law Review to establish a new membership-selection policy that is based entirely on academic merit and that explicitly disavows any consideration of race, sex, sexual orientation, or gender identity or expression, and to submit that revised membership-selection policy to this Court and to the Secretary of Education for their review and approval within 30 days of this Court's judgment;
 - e. permanently enjoin the Harvard Law Review from selecting any new members or editors without first securing preclearance from this Court and from the Secretary of Education, each of whom must certify that the Law Review's selection of those new members and editors was based on academic merit and was not in any way affected or influenced by race, sex, sexual orientation, or gender identity;
 - f. order the Harvard Law Review to establish a new article-selection policy that explicitly forbids any consideration of an author's race, sex, sexual orientation, or gender identity or expression, and to establish a new article-selection process that conceals the author's name, sex, race, sexual orientation, gender identity or expression, and all other

information that could be used to identify the author before the article is selected for publication, and order the Harvard Law Review to submit its new article-selection process to this Court and to the Secretary of Education for their review and approval within 30 days of this Court's judgment;

- g. order the Secretary of Education to terminate federal funding to all components of Harvard University until the Harvard Law Review renounces its use of race and sex preferences when selecting its members, editors, and articles;
- h. award similar relief if discovery reveals that Harvard University or Harvard Law School is using race or sex preferences in other matters such as faculty hiring or student admissions;
- i. award costs and attorneys' fees;
- j. grant all other relief that the Court deems just, proper, or equitable.

Respectfully submitted.

JONATHAN F. MITCHELL*
Mitchell Law PLLC
106 East Sixth Street, Suite 900
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

/s/ George W. Vien
GEORGE W. VIEN (BBO # 547411)
Donnelly, Conroy, & Gelhaar, LLP
260 Franklin Street, Suite 1600
Boston, Massachusetts 02110
(617) 720-2880 (phone)
(617) 720-3554 (fax)
gww@dcglaw.com

* *pro hac vice* application
forthcoming

Dated: October 6, 2018

Counsel for Plaintiff



H A R V A R D
L A W R E V I E W

ABOUT

JUMP TO

EDITORIAL

617-495-7889

617-496-5053 (fax)

GANNETT HOUSE

1511 Mass. Ave

Cambridge, MA 02138

BUSINESS

617-495-4650

617-495-2748 (fax)

The *Harvard Law Review* is a student-run organization whose primary purpose is to publish a journal of legal scholarship. The *Review* comes out monthly from November through June and has roughly 2,500 pages per volume. The organization is formally independent of the Harvard Law School. Student editors make all editorial and organizational decisions and, together with a professional business staff of three, carry out day-to-day operations.

Aside from serving as an important academic forum for legal scholarship, the *Review* has two other goals. First, the journal is designed to be an effective research tool for practicing lawyers and students of the law. Second, it provides opportuni-

Case 1:18-cv-12105 Document 1-1 Filed 10/06/18 Page 2 of 11
ties for *Review* members to develop their own editing and writing skills. Accordingly, each issue contains pieces by student editors as well as outside authors.

The *Review* publishes articles by professors, judges, and practitioners and solicits reviews of important recent books from recognized experts. All articles — even those by the most respected authorities — are subjected to a rigorous editorial process designed to sharpen and strengthen substance and tone.

Most student writing takes the form of Notes, Recent Cases, and Recent Legislation. Notes are approximately 22 pages and are usually written by third-year students. Recent Cases and Recent Legislation are normally 8 pages and are written mainly by second-year students. Recent Cases are comments on recent decisions by courts other than the U.S. Supreme Court, such as state supreme courts, federal circuit courts, federal district courts, and foreign courts. Recent Legislation look at new statutes at either the state or federal level.

Student-written pieces also appear in the special November and April issues. In addition to the Supreme Court Foreword (usually by a prominent constitutional law scholar), faculty Case Comments, and a compilation of statistics about the Court's previous Term, the November issue includes about 20 Leading Cases, which are analyses by third-year students of the most important decisions of the previous Supreme Court Term. The April issue features the annual *Developments in the Law*, an in-depth treatment of an important area of the law prepared by third-year editors of the *Review*.

All student writing is unsigned. This policy reflects the fact that many members of the *Review* besides the author make a contribution to each published piece.

For more information about the *Harvard Law Review*, see Erwin Griswold's [Glimpses of Its History \(/1987/01/glimpses-of-its-history-as-seen-by-an-aficiona-](/1987/01/glimpses-of-its-history-as-seen-by-an-aficiona-)

..... *

VOL. 131 2017-18

Yasmina Abdel-Malek
Audrey L. Adu-Appiah
Paulina D. Arnold
Segun I. Babatunde II
Laura B. Bakst
Simon J. Barnicle
Robert A. Batista
Seth Robert Berliner
David C. Beylik
Leila Bijan
Katrina M. Braun
Molly Brown
Jeff Campbell
Sarah L. Catalano
Grayson E. Clary
Zachary Copeland
Catherine M. Coquillet
Caroline Cox
Kevin P. Crenny
Christian S. Daniel
Taylor R. Davis
Yoseph Desta
Frederick J. Ding
anneke dunbar-gronke
Clare J. Duncan
Adabelle U. Ekechukwu
Blake J. Ellison
Daniel E. Farewell
Imani Renee Franklin
Harleen K. Gambhir
Cary A. Glynn
Jenya Godina
Mary E. Goetz
Sandra I. González Sánchez
Chloe K. Goodwin
Emerson Gordon-Marvin
Max Gottschall

Harry S. Graver

Matthew P. Griechen

Victoria Hall-Palerm

Andrew Leon Hanna

Noah Heinz

Andrew R. Hellman

Colin M. Herd

Tre A. Holloway

Dennis D. Howe

Chandler S. Howell

Ellora Thadaney Israni

Ginger Jackson-Gleich

Jyoti Jasrasaria

Madeline B. Jenks

Ben Jernigan

Madeleine Joseph

Alexandra C. Jumper

Sarah Kahwash

Caitlin Kearney

Kevin Keller

Alex King

Alexa Kissinger

Cason Kynes

Harry Perlmuth Larson

Jesse Lempel

David W. Li

Molly Ma

Sarah Loucks

Paul Maneri

Marissa L. Marandola

Rebecca D. Martin

Hannah Mullen

Raeesa Imraan Munshi

Alisan L. Oliver-Li

Daniel L. Ottaunick

Catherine Padhi

Isaac Park

David A. Phillips

Bradley Pough

Vinitra Rangan

Alexandra Remick

Dawson K. Robinson

Steven Schaus

Spencer D. Smith
Zach ZhenHe Tan
Ariel T. Teshuva
Robin Tholin
Michael L. Thomas, Jr.
Daniel P. Tingley
Imelme Umana
Nicholas A. Varone
Alice X. Wang
Jessica Y. Zhang

BUSINESS STAFF

Jennifer Heath

Technology Operations Manager & Program Administrator

Denis O'Brien

Circulation & Financial Director

Judi Silverman

Bluebook Coordinator

PAST BOARDS

M E M B E R S H I P



Membership in the *Harvard Law Review* is limited to second- and third-year law students who are selected after an annual writing competition. The *Review* strongly encourages all students to participate in the writing competition. Harvard Law School students who are interested in joining the *Review* must write the competition at the end of their 1L year, even if they plan to take time off during law school or are pursuing a joint degree and plan to spend time at an-

Case 1:18-cv-12103 Document 1-1 Filed 10/06/18 Page 6 of 11
other Harvard graduate school. Students who spent their 1L year at other law schools and are applying to transfer to Harvard Law School must write a competition in the spring of their 1L year and must be admitted to Harvard Law School to become a member of the *Review*.

Forty-eight editors are invited to join the *Review* each year. Twenty editors are selected based solely on their competition scores. Seven editors, one from each 1L section, shall be selected based on an equally weighted combination of competition scores and 1L grades. Three editors shall be selected based on an equally weighted combination of competition scores and 1L grades, without regard to section. Eighteen editors shall be selected through a holistic but anonymous review that takes into account all available information. The *Review* remains strongly committed to a diverse and inclusive membership.

Applicants who wish to make aspects of their identity available through the *Law Review's* holistic consideration process will have the opportunity to indicate their racial or ethnic identity, physical disability status, gender identity, sexual orientation, and socioeconomic status. Applicants also have the option of submitting an expository statement of no more than 150 words that identifies and describes aspects of their background not fully captured by the categories provided on the form. Statements will be considered by the Selection Committee *only* after grading of the Subcite and Case Comment sections of the competition has been completed. Statements will remain anonymous and will not be evaluated for quality of writing or editing, nor will they be assigned a numerical score. Applicants are welcome to draft their expository statements before the competi-

Case 1:18-cv-12105 Document 1-1 Filed 10/06/18 Page 7 of 11

tion week begins, and the prompt for the 150-word statement is as follows: "You may use the space below to submit a typed expository statement of no more than 150 words that identifies and describes aspects of your identity not fully captured by the categories on the previous page, including but not limited to racial or ethnic identity, socioeconomic background, disability, gender identity, and/or sexual orientation."

The *Law Review* expects to invite editors to join Volume 133 over the course of several days during the second half of July. This timeline is subject to change and any updates will be posted to this website when available. Orientation for new editors will begin on Wednesday, August 1.

WRITING COMPETITION

..... x

The writing competition for the Class of 2020 will begin on Saturday, May 12, after the completion of 1L final exams, and end on Saturday, May 19.

The competition consists of two parts. The subcite portion of the competition, worth 40% of the competition score, requires students to perform a technical and substantive edit of an excerpt from an unpublished article. The case comment portion of the competition,

worth 60% of the competition score, requires students to describe and analyze a recent Court of Appeals or State Supreme Court decision.

Competition Tips Session and Subcite Training Session

The General Tips Session was held on Tuesday, April 10 from 4:45 pm - 6:15 pm in Langdell Hall 272. Click [here](#) to access the video recording of the Tips Session. Click [here](#) to access an information packet and practice Subcite.

The Subcite Training Session was held on Thursday, April 19th from 4:45 pm - 6:15 pm in Langdell Hall 272. A video recording of the Subcite Training Session is available [here](#).

Receiving the Harvard Law Review competition materials off campus

If you would like to take the competition, but will not be on campus when the competition is distributed on Saturday, May 12, you may request that the competition materials be shipped to you via Federal Express. The cost for the mailing is \$45.

In order to have the competition mailed to you, you must complete the **FedEx shipping form**. The deadline to submit the form is Friday, May 4.

Prospective transfer students have the option of taking the competition at the same time as Harvard Law School 1Ls, or taking a separate transfer competition running from May 19-26. Like the regular competition, the transfer competition has a case comment and sub-cite portion. There is no advantage to taking either competition, and transfer students should take whichever competition is most convenient with their schedule. Transfer students are selected on the same blind grading basis as Harvard 1Ls and are eligible for 38 of the spots on the *Review* (in other words, all spots besides the 10 allotted to Harvard 1Ls for whom first-year grades play a role). Transfer students may submit an anonymized, unofficial transcript when their 1L grades are released if they would like their grades to be considered in the *Law Review*'s holistic review process.

As noted on the Harvard Law School website, the deadline for completing a transfer application is June 15, so many prospective transfer students will not have been accepted to Harvard Law School at the time of the competitions in May. Many prospective applicants may not even have decided whether to apply to transfer, in part because they may not yet know their spring semester grades. Notwithstanding these uncertainties, the *Review* strongly encourages prospective transfer applicants to write a competition. While being selected to join the *Review* in no way guarantees a transfer applicant admission to Harvard Law School, it is the policy of the *Review* to inform the admissions office whenever a transfer student successfully gains membership on the *Review*.

Prospective transfer students who would like to take the competition from Saturday, May 19 to Saturday, May 26 may register by completing the **transfer applicant FedEx shipping form**. The cost for the mailing is \$45. The deadline to submit the form is Friday, May 11.

Information for SJD Students

SJD students at Harvard Law may serve as editors of the *Law Review*. To join, SJDs take the same writing competition as JD students and are eligible for 38 of the editorial positions (all spots besides those allotted to JD 1Ls for whom first-year grades play a role). Serving as an editor of the *Law Review* is a two-year commitment so SJDs should take the competition only if they are certain they have at least two years remaining in their program of study. Additionally, as with all candidates, SJDs are permitted to participate in the writing competition only once.

Information for Students with Disabilities

The *Harvard Law Review* provides accommodations on the writing competition to students with documented disabilities on an individual, case-by-case basis. To request an accommodation, please email a completed registration form to Lakshmi Clark-McClendon, Director of Student Affairs in the Dean of Students Office, at lclark@law.harvard.edu. In order to allow sufficient time to review documentation, students must submit their requests no later than April 13, and are encouraged to submit documentation as soon as possible. Please note that although accommodations decisions are ultimately made by the *Review*, no student will receive personal identifying information about any student requesting accommodation.

Students with unavoidable religious conflicts during the competition, including those fasting for Ramadan, should email lawrev@law.harvard.edu to request an accommodation.

THE BLUEBOOK



The Bluebook is the definitive style guide for legal citation in the United States, compiled by the editors of the *Harvard Law Review*, the *Columbia Law Review*, the *University of Pennsylvania Law Review*, and the *Yale Law Journal*. The Bluebook is available for purchase in hard copy, or online (including a mobile version for the iPad, iPhone, or iPod Touch) at www.legalbluebook.com.

ARCHIVES | 1995

Law Review Masks Diversity in a New Admission System

By LISA ANDERSON

In the competitive world of law school, where students scramble to distinguish themselves from their peers, admission to a law review is an honor that can enhance a career.

Now the editorial board of a prestigious law review has changed its selection process, making it harder to determine who is admitted on merit alone and who is selected partly on the basis of race or ethnicity.

The change, said members of the editorial board of The University of Pennsylvania Law Review, is an effort to maintain the publication's affirmative action program by insuring that qualified students -- most of them white -- are not displaced by black and Hispanic students.

"We were actually displacing candidates with affirmative action candidates," said Katherine Kelly, the review's editor in chief. The policy, Ms. Kelly said, upset some law students who failed to win admission to the law review and stigmatized the black or Hispanic students who did.

"You would hear rumors circulating around the class that so-and-so made it because of affirmative action," she said. "With something so competitive as law review, people are going to give all kinds of reasons why they didn't make it." Nine of the nation's top 20 law school reviews, including those at Cornell, Harvard, New York University and the University of Virginia, have affirmative action policies or diversity plans, according to documents made public last February at a conference of the publications' editors at Stanford Law School.

At the University of Pennsylvania, as at most other selective law schools, the

majority of first-year students compete for law review. Gary Clinton, the dean of students, said last year that 83 percent of the first-year students tried out. Only 20 percent were accepted, said Mr. Clinton who, following the dictates of the editorial boards, selects students for the law review and for two other student-run academic journals on campus.

Under the system in place last year, editorial board members said, the review accepted 44 first-year students, who will join as associate editors in their second year. All 44 had to meet certain minimum requirements. According to the conference documents, those requirements last year consisted of scoring in the top 60 percent on the editing part of a two-part written test and in the top 90 percent on the essay part.

From this select group, 18 students were chosen for the law review on the basis of their combined score on the written test. Eighteen others were accepted on the basis of their test score and grade point average.

Editorial board members of the review would not say whether those 36 reflected the ethnic and racial makeup of the class that was applying. If they did not, then the minority students who had the highest scores would have been chosen to fill as many of the eight remaining slots as was needed to mirror the makeup of the class. If the review still had places available, it would have admitted the next best candidates on the basis of their written test scores and grade point averages, without considering race or ethnicity.

The key to the new system seems to be keeping secret newly established numerical goals, so that law students will not be able to determine who is an affirmative action appointment.

Later this month, when the law review chooses its new associate editors, it will first select the number of students needed to run the publication -- but that number will be kept secret. After those members have been chosen, the review will accept an unstipulated number of affirmative action candidates on the basis of their written test scores.

"We could either decide how many associate editors we wanted and reserve some for affirmative action, or we could pick how many associate editors we wanted and then pick some for affirmative action," Ms. Kelly said, describing the policy shift. "It seems like a minor technical change but it isn't, because people aren't being replaced because of affirmative action."

Although the old policy covered Asian-American students, she said the new

policy would apply only to groups that the law school considers historically underrepresented -- black and Hispanic students.

"It really didn't make any difference at all in terms of the numbers," said Laura Boschken, one of the review's five executive editors, referring to the new policy. "It was more a perception. We just wanted to make things appear fair."

Last year, from the university's 231-member first-year class, which included 9 Asian-American students, 9 Hispanic students and 22 black students, the review admitted 3 Asian-American students and 2 Hispanic students.

Ms. Kelly attributed the absence of black students in part to the low number who participated in the competition; Mr. Clinton said only 11 tried out for the law review. By contrast, virtually all of the Hispanic students and all of the Asian-American students applied.

Ms. Kelly said she met several months ago with members of the Black Law Students Association to try to encourage a higher turnout of law review applicants. The TimesMachine archive viewer is a subscriber-only feature.

We are continually improving the quality of our text archives. Please send feedback, error reports, and suggestions to archive_feedback@nytimes.com.

A version of this article appears in print on July 7, 1995, on Page A00017 of the National edition with the headline: Law Review Masks Diversity in a New Admission System.



NEWS
 Claudine Gay Named Next
 Dean of the Faculty of Arts and
 Sciences



NEWS
 Kappa Alpha Theta to Go
 Gender-Neutral in Fall 2018



NE
 Hc
 Fo
 Bi

ADVERTISEMENT



Harvard Law Review Expands Affirmative Action

By **Dev A. Patel**, Crimson Staff Writer
 February 21, 2013

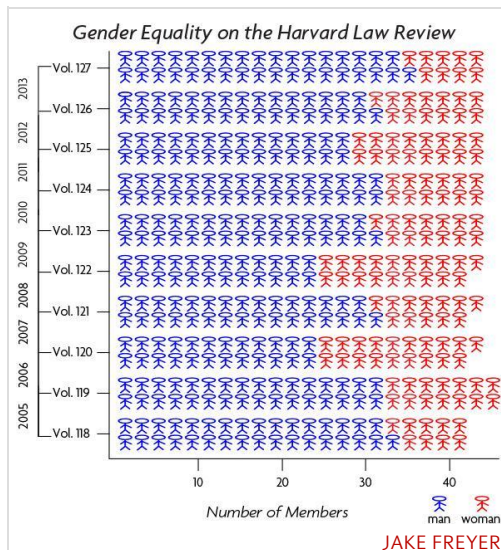
The Harvard Law Review, which has historically been staffed by disproportionately more men than women, has expanded its affirmative action policy to include gender as a criteria in its editor selection process.

Following a year in which just 20.5 percent of its elected editors were female, the Law Review will consider gender when choosing some of its applicants for the first time ever this year.

The majority of the Law Review's returning editors approved the policy change this January in an attempt to increase the number of female editors on the staff. Because of the specific nature of the Law Review's admissions process, the new policy will be used in choosing 12 of the Law Review's next 46 editors.

Second-year Law School student Gillian S. Grossman '10, the recently elected president of the Law Review who will lead the organization's 127th volume, wrote in an email that the policy change was among many considered to "enhance the diversity of the editorial body."

"Volume 127 decided that adding gender to the list of criteria considered by the discretionary committee was one good step in that direction," she wrote.



The most recently elected board of the Harvard Law Review had only 9 female editors, a low number even considering the historical gender imbalance.

MOST READ

1. Claudine Gay Named Next Dean of the Faculty of Arts and Sciences
2. Kappa Alpha Theta to Go Gender-Neutral in Fall 2018
3. Harvard Employee Who Confronted Neighbor Placed on Leave 'Effective Immediately'
4. Students for Fair Admissions and Harvard Both Got It Wrong
5. New Harvard Square Theater Plans Include Office, Retail Space

ADVERTISEMENT



The changed affirmative action policy was one of several initiatives passed by second-year editors last month in preparation for taking over the leadership of the Law Review. The editors also approved a change that will add two more students to this year’s pool of rising editors—increasing its size from 44 to 46—in the upcoming application process.

The Law Review, whose total staff is currently 25 percent female, selects new editors using three distinct application processes. Of the 44 editors elected in recent years, 20 are anonymously selected based solely on their performance on an annual writing test administered to first-year law students after their semester ends in May. An additional 14 editors are chosen based on a combination of their writing scores and their grades.

The remaining 10 spots are filled by a discretionary committee that incorporates applicants’ grades, writing test scores, race, and any physical disabilities into their decisions.

But this year, the discretionary committee will fill 12 spots and consider gender in addition to its existing criteria.

The first group of applicants to be elected under this changed policy will be the editors of the 128th volume, who will be selected over the summer.

Grossman wrote that it remains to be seen how effective this policy will be in increasing the percentage of female editors.

“Because the Law Review has not yet started the selection process for Volume 128, it’s too soon to tell what impact the policy will have,” Grossman wrote. “As a historical matter, the Law Review has tended to have a higher percentage of female editors than does Volume 127, so it is not unlikely that we would see an increase in the number of female editors in the next volume regardless of this policy, though of course we cannot know for certain.”

The Law Review’s new policy comes in the midst of a national debate over race-based affirmative action in college admissions, an issue on which the Supreme Court is expected to rule this June.

—Staff writer Dev A. Patel can be reached at devpatel@college.harvard.edu. Follow him on Twitter [@dev_a_patel](https://twitter.com/dev_a_patel).

Want to keep up with breaking news? [Subscribe to our email newsletter.](#)

[READ MORE IN UNIVERSITY NEWS](#)

[Lander Awarded \\$3 Million](#) >

TAGS [HARVARD LAW SCHOOL](#) [GENDER AND SEXUALITY](#) [UNIVERSITY](#) [UNIVERSITY NEWS](#)

32 Comments

The Harvard Crimson

1 Login

Recommend

Share

Sort by Best

WITH ENHANCED
CONTRAST & WHITE
WHITES

POPULAR VIDEOS

1. Q&A with Harvard President-elect Lawrence Bacow



2. Breaking Down the Search for Harvard's Next President



3. Vaping at Harvard



FROM OUR ADVERTISERS



SPONSORED



SPONSORED



SPONSORED

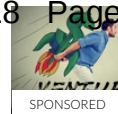


JOIN THE DISCUSSION

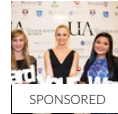
LOG IN WITH

OR SIGN UP WITH DISQUS ?

Name



SPONSORED



SPONSORED



boboadobo • 5 years ago

thank goodness, never put quality before gender.

46 ^ | v • Reply • Share ›



editor • 5 years ago

Because course grades and anonymously graded competition scores are known for discriminating against women

44 ^ | v • Reply • Share ›



Richard T. Greener • 5 years ago

Because it's not good enough that every African-American graduate carries around the stigma of presumptively lowered standards, now every woman graduate will bear the same burden. Way to spread the message that women can't compete!

41 ^ | v • Reply • Share ›



Jessie Jackson Jr → [Richard T. Greener](#) • 5 years ago

Because it has be shown that neither of those groups can comepeete. Lucky for them they will always have basketball and sewing.

4 ^ | v • Reply • Share ›



Ralph Winfield → [Richard T. Greener](#) • 2 years ago

Like Blacks and Browns and Aborigians, White women have always had this alleged burden. The only people who do not get a free ride are Working Class and Middle Class White heterosexual males. Oh, they're not worthy of being a government-protected group or class of people, and it's been 100% alright for fifty years to discriminate against them and deny them their rights. And they just have to lump it. If they do not like lumping it, then just label them racists, sexists, and bigots. And America and other Western nations, wonder why they've been non-competitive for decades.

^ | v • Reply • Share ›



White Male Former Law Review • 5 years ago

Congratulations. When hiring in the future, I will assume that any woman on the law review was picked based on chromosomes, not merit.

72 ^ | v • Reply • Share ›



15 → [White Male Former Law Review](#) • 5 years ago

Thank you for the perfect post.

14 ^ | v • Reply • Share ›



Not_Too_Smelly → [White Male Former Law Review](#) • 5 years ago

The credential value of HLR membership is not that the person was chosen for HLR. The selection process is based on (1) grades, which the employer can see anyway, and (2) a week-long artificial writing exercise. Most of the credential value comes from the actual experience of being part of the law review.

5 ^ | v • Reply • Share ›



HLS Alum → [White Male Former Law Review](#) • 5 years ago

ADVERTISEMENT



ADVERTISEMENT



Yeah, cause if you had a pool of 1000 people, the candidate pool was narrowed enough that I'll just assume you didn't deserve it either... they just chose white males.

10 ^ | v · Reply · Share ›



w → HLS Alum • 5 years ago

Yep, that anonymous selection process is super racially biased.

6 ^ | v · Reply · Share ›



MBA Student • 5 years ago

Plumbers are disproportionately male also. So are prison guards. Don't teachers tend to skew to a female majority? Where do you draw the line?

What is the criteria for determining the trade-off? Does gender off-set 10% lower grades on behalf of a female candidate? 20%? How do you determine the ratio? How much is being female intrinsically "worth"?

Also, what is a female that would have already gotten in otherwise uses up one of the 12 pre-marked spaces. Does the selection process purposely put her in the normal pool? Is she different from a female that took one of the 12 spots? What if in a given year, the split is 50%/50% and the 12 extra spots go all female. That puts you at 63% female. The next year, do you start allocating spots for men? What is the general rule for deciding how long to implement affirmative action for? 5 years of 50%/50%? 10 years?

Last, does this new policy eventually generate better quality work in any meaningful way? Is this diversity for diversity's sake?

25 ^ | v · Reply · Share ›



Guest → MBA Student • 5 years ago

Infantry casualties and workplace fatalities are overwhelmingly male. When will we implement quotas to overturn these male-dominated cesspools of patriarchy?

29 ^ | v · Reply · Share ›



Mark Sletmoen → Guest • 5 years ago

Thank you sir, thank from the bottom of my heart for stating what I think every day.

3 ^ | v · Reply · Share ›



sodakhic • 5 years ago

Could you sneak my daughter into Harvard? We live in the Dakotas so I'm sure our ancestors are Indian. She does have high cheek bones so she'll definitely pass for AA. Thanks.

16 ^ | v · Reply · Share ›



Water is healthier → sodakhic • 5 years ago

Harvard is a school for people, not potatoes. Wait, actually can your potato implement binary search?

1 ^ | v · Reply · Share ›



Ivan • 5 years ago

It's just another example of the dumbing down of the country for the sake of "diversity" - a goal that is anything but laudable.

13 ^ | v · Reply · Share ›



ZimbaZumba • 5 years ago

Well Harvard, cause from now on :-

Havard Law Review + Female = Worthless on a resume.

12 ^ | v · Reply · Share ›



Christopher Triple H Anthony · 5 years ago

This is a ridiculous idea. All of these quotas are. You can either have the most suitable candidates, or you can meet a quota. You can't have both.

10 ^ | v · Reply · Share ›



ogglaw · 5 years ago

A key fact not mentioned in the article is the gender makeup of the law school as a whole. What percentage of Harvard Law students are female? Of course, if we were being serious we'd ask if there is anything in the selection process that actually discriminated against women, but that would presume that fairness matters more than a pre-determined proportional number.

8 ^ | v · Reply · Share ›



Older CrimEd · 5 years ago

Back in the day, selection was based solely upon grades; there wasn't even a writing competition. What would be the gender/racial makeup of the HLR today if those criteria were in place still?

7 ^ | v · Reply · Share ›



MichaelSteane · 5 years ago

Degrees from Harvard are now worth slightly less than they were before.

4 ^ | v · Reply · Share ›



DizzyMizzy · 5 years ago

I think this great considering the fact, that white males are the reason why affirmative action exist at all. You guys don't get that it's not a thing against you but something for you reminding you that the world is not yours and now you are just suffering the backlash. Your anger is understood because its like an angry, spoiled, and coddled child being told they can't suck the tit anymore. But in the end both you and the child will survive and life will go on. You just have to get over it.

3 ^ | v · Reply · Share ›



andronicus veritas → **DizzyMizzy** · 5 years ago

I guess hard work, intelligence, and effort just aren't as important as a vagina. Seems unfair, somehow. Almost like being penalized for your gender?

Anyway, thank God the legal profession is FINALLY doing something about being only sixty five percent female.

I guess men who actually have earned their place will just have to "get over" that. Or, maybe, we could get a bit of a backlash going, demanding truly equal rights for everyone, for our sons as well as our daughters.

4 ^ | v · Reply · Share ›



HLS Alum · 5 years ago

Given the fact that this year's law review class had 44 people and only 9 were women, I think this is an important step. Assholes who suggest that they'll assume women don't deserve this place clearly have no understanding of how many qualified candidates there are in Harvard Law School, and how thinly the hairs get split to make HLR. Pull the sticks out of your asses and celebrate a move towards equality for a law review with a specious history towards women's rights (<http://en.wikipedia.org/wik...>)

8 ^ | v · Reply · Share ›



White Male Former Law Review → HLS Alum • 5 years ago

You don't mention if you were on Law Review. Given how tight your logic is, the ad hominem attack, and the dispassionate manner in which you make your argument, I think I can take a guess.

21 ^ | v • Reply • Share ›



Ivan → HLS Alum • 5 years ago

It's an important step in what direction? The direction of mediocrity? If a woman was qualified enough, based on merit, she would rise to the level she belongs. To set up a quota to ensure she rises to a specific level is disingenuous and diminishes the office she was "given" since she never earned it. Also, the individual that does deserve this office, has been discriminated against because of his sex. What path of recourse would you advise him to follow? Do you realize your showing people that discrimination is not only acceptable, but encouraged, as long as the right pet group of the moment is benefitting from it? Your premise is not only illogical, it's immoral and unethical.

19 ^ | v • Reply • Share ›



idkman → Ivan • 5 years ago

It's 'you're' not 'your.'

1 ^ | v • Reply • Share ›



Jessie Jackson Jr → HLS Alum • 5 years ago

Says the person who posts a wikipedia link.

7 ^ | v • Reply • Share ›



M0H0K • 5 years ago

You left out one piece of critical information that was actually supplied in the original article you cited: <http://www.thecrimson.com/a...>

"The remaining 10 spots are filled by a discretionary committee that incorporates applicants' grades, writing test scores, race, and any physical disabilities into their decisions."

This means 10 spots are already being filled using what you call "special consideration"; diversity measures that assess race and physical disabilities. This vital information you failed to include counters what little argument you did have that the addition of gender to this process could somehow lower the current standard.

2 ^ | v • Reply • Share ›



boboadobo • 5 years ago

actually if a fake native american can go from harvard to the senate...why not a guy being a fake woman. didn't tom hanks play a part like that back in the 1980's.

2 ^ | v • Reply • Share ›



Jack • 5 years ago

Man, when will men catch a break? <http://www.hark.com/clips/x...>

1 ^ | v • Reply • Share ›



Ralph Winfield • 2 years ago

Shouldn't only the best applicants get hired as Editors? Why does the Harvard Law Review seek quotas? This is not the American Way. Tssk, tssk, tssk.

^ | v • Reply • Share ›



Shawn P Fowler

Financial Advisor

1410 Lake Tapps Pkwy
Ste H102
Auburn, WA 98092

(253) 833-8681

[Report ad](#)

ADVERTISEMENT

WITH
COLOR CONTRAST & WHIT

The Harvard Crimson

The University Daily, Est. 1873

SECTIONS

- [News](#)
- [Opinion](#)
- [Arts](#)
- [Blog](#)
- [Magazine](#)
- [Videos](#)
- [Sports](#)

ABOUT

- [Masthead](#)
- [Privacy Policy](#)
- [Rights & Permissions](#)
- [Corrections](#)
- [Contact Us](#)

RESOURCES

- [Today's Paper](#)
- [Advertising](#)
- [Subscriptions](#)
- [Newsletters](#)
- [Journalism Programs](#)
- [Photo Store](#)

Policy on Discrimination

Student Organizations

3039 Wasserstein Hall (WCC)
1585 Massachusetts Avenue
Cambridge, MA 02138

Phone: 617-495-1880

Email: dos@law.harvard.edu³¹

It is unlawful, and a violation of HLS rules, for any HLS student organization to discriminate in violation of the Law School's Non Discriminatory Policy.³²

Students and student organizations should be familiar with these regulations and are charged with complying with them.

Links

1. <https://hls.harvard.edu/dept/dos/student-orgs/>
2. <https://hls.harvard.edu/dept/dos/student-orgs/a-z-listing/>
3. <https://hls.harvard.edu/dept/dos/student-orgs/leadership/>
4. <https://hls.harvard.edu/dept/dos/student-orgs/about-the-student-org-journal-space/>
5. <https://hls.harvard.edu/dept/dos/student-orgs/how-do-i-create-a-new-organization/>
6. <https://hls.harvard.edu/dept/dos/student-orgs/creating-your-org-website/>
7. <https://hls.harvard.edu/dept/dos/student-orgs/wordpress-student-user-guide/>
8. <https://hls.harvard.edu/dept/dos/accessibility/web-accessibility/>
9. <https://hls.harvard.edu/dept/dos/graphic-design-support-for-student-orgs-and-journals/>
10. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/>
11. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/alcohol-food-policies/>
12. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/anti-hazing-policy/>
13. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/bulletin-chalkboard-policy/>
14. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/policy-on-campaign-political-activity/>
15. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/career-related-events-policy/>
16. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/policy-on-discrimination/>
17. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/electronic-communications/>
18. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/funding-budget-management/>
19. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/dos-grant-fund/>

20. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/student-funding-board/>
21. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/guest-wireless-network/>
22. <http://www.law.harvard.edu/about/administration/its/security-policies/secindex.html>
23. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/leadership-transition/>
24. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/planning-a-large-event-or-conference/>
25. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/protest-and-dissent-guidelines/>
26. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/recruiting-new-members/>
27. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/student-practice-opportunities/>
28. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/travel-policy/>
29. <https://hls.harvard.edu/dept/dos/student-orgs/handbook-for-officers/hls-student-organization-web-policy/>
30. <https://hls.harvard.edu/dept/dos/student-orgs/student-organization-technology-tool-kit/>
31. <mailto:dos@law.harvard.edu>
32. <https://hls.harvard.edu/dept/academics/handbook/xiii-other-rules/xii-a-notice-of-non-discrimination/>

[Privacy Statement](#)

[Trademark Notice](#)

[Contact HLS](#)



© 2018 The President and Fellows of Harvard College.

XII. (A.) Notice of Non-Discrimination

Harvard Law School does not discriminate against any person on the basis of race, color, religion, creed, national or ethnic origin, age, sex, gender identity, sexual orientation, marital or parental status, disability, source of income, or status as a veteran in admission to, access to, treatment in, or employment in its programs and activities. The Law School has instituted these policies and certain procedures to ensure a safe and non-discriminatory environment and to meet legal requirements, including Title IX of the Education Amendments of 1972. All employers using the facilities and services of the career services offices must comply with these policies and procedures. Harvard Law School makes one exception to this policy. Under threat of loss of funding to the University resulting from the Solomon Amendment, the Law School has suspended the application of its non-discrimination policy to military recruiters. This exception to our policy does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.

Questions about the Non-Discrimination Policy

Inquiries regarding the application of the Law School's nondiscrimination policy may be referred to the following Law School coordinators of that policy. The Harvard Law School does not discriminate against any person on the basis of race, color, creed, national or ethnic origin, age, sex, gender identity, sexual orientation, marital or parental status, disability, source of income, or status as a veteran in admission to, access to, treatment in, or employment in its programs and activities.

STUDENTS

Marcia Sells
Dean of Students
617-495-1880
WCC 3039

Assistant Dean for Career Services
617-495-5469
WCC 4022

Alexa Shabecoff
Assistant Dean for Public Service
617-495-6103
WCC 4049

Lisa Dealy
Assistant Dean for Clinical and Pro Bono Program
617-495-5202
WCC 3085

FACULTY AND STAFF

Francis X. McCrossan
Dean for Administration
617-495-4641
Griswold 201

J.D. ADMISSIONS

Jessica Soban
Associate Dean for Strategic Initiatives and Admissions
617-495-3102
Austin 204

LL.M. AND S.J.D. ADMISSIONS

Jeanne Tai
Assistant Dean for the Graduate Program and International Legal Studies
617-496-4849
WCC 5015

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J. W. McCormack POCH, Room 222, Boston, MA 02109-4557.

Links

1. <https://hls.harvard.edu/dept/academics/handbook/>
2. <https://hls.harvard.edu/dept/academics/handbook/faculty/>

3. <https://hls.harvard.edu/dept/academics/handbook/faculty/professors-emeriti/>
4. <https://hls.harvard.edu/dept/academics/handbook/faculty/professors-and-assistant-professors-of-law/>
5. <https://hls.harvard.edu/dept/academics/handbook/faculty/clinical-professors-and-assistant-clinical-professors-of-law/>
6. <https://hls.harvard.edu/dept/academics/handbook/faculty/professors-of-practice/>
7. <https://hls.harvard.edu/dept/academics/handbook/faculty/affiliated-harvard-university-faculty/>
8. <https://hls.harvard.edu/dept/academics/handbook/faculty/visiting-professors-of-law/>
9. <https://hls.harvard.edu/dept/academics/handbook/faculty/climenko-fellows/>
10. <https://hls.harvard.edu/dept/academics/handbook/faculty/lecturers-on-law/>
11. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/>
12. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/requirements-for-the-j-d-degree/>
13. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/requirements-for-graduate-degrees/>
14. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/additional-academic-opportunities-j-d-and-graduate-programs/>
15. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/examinations/>
16. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/academic-honesty/>
17. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/vi-registration-schedule-and-course-change-deadlines/>
18. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/vii-written-work-registration-deadlines/>
19. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/a-submission-deadlines-for-academic-work/>
20. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/x-deadlines-for-applying-to-special-programs/>
21. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/xi-leaves-and-withdrawals/>
22. <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/xii-administrative-board/>
23. <https://hls.harvard.edu/dept/academics/handbook/xiii-other-rules/>
24. <https://hls.harvard.edu/dept/academics/handbook/appendices/>
25. <https://hls.harvard.edu/dept/academics/handbook/appendices/appendix-a-university-wide-statement-on-rights-and-responsibilities/>
26. <https://hls.harvard.edu/dept/academics/handbook/appendices/appendix-b-harvard-law-school-community-principles/>
27. <https://hls.harvard.edu/dept/academics/handbook/appendices/appendix-d-harvard-university-health-services-and-harvard-university-student-health-program/>

[Privacy Statement](#)

[Trademark Notice](#)

[Contact HLS](#)



© 2018 The President and Fellows of Harvard College.



NEWS
Claudine Gay Named Next
Dean of the Faculty of Arts and
Sciences



NEWS
Kappa Alpha Theta to
Gender-Neutral in Fa



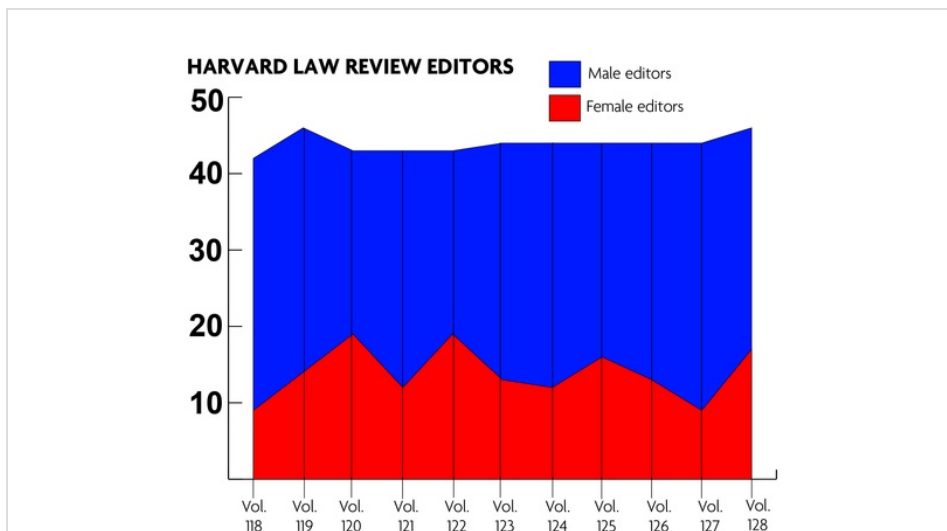
NE
He
Fo
Bi

ADVERTISEMENT



Number of Female Harvard Law Review Editors Nearly Doubled in First Gender-Based Affirmative Action Cycle

By **Dev A. Patel**, Crimson Staff Writer
October 7, 2013



CINDY CHOI

In addition to expanding the size of the board to 46 editors, the Law Review instituted a new gender component to its affirmative action policy. The newest board has more female editors than any volume since volume 122 in 2007.

In the first cycle since the Harvard Law Review incorporated **gender-based affirmative action** into its admissions process, 17 out of 46 editors are women, nearly double last year's 9 female members of 44 overall.

The 128th volume boasts more women on its staff than any board since volume 122 was selected in 2007.

In the admissions process, interested candidates participate in a writing competition consisting of a 'subcite' component, which involves correcting

MOST READ

1. Kappa Alpha Theta to Go Gender-Neutral in Fall 2018
2. Claudine Gay Named Next Dean of the Faculty of Arts and Sciences
Harvard Employee Who Confronted
3. Neighbor Placed on Leave 'Effective Immediately'
4. New Harvard Square Theater Plans Include Office, Retail Space
5. Leftward Ho, Libertarians!

ADVERTISEMENT



errors in a short written piece and a commentary section in which applicants report and analyze a recent case before the United States Supreme Court. This week-long process takes place after the completion of first-year final exams in the spring semester.

This year, the Law Review received 267 applicants, a “somewhat higher” number than past years, according to President Gillian S. Grossman '10, a third-year student at the Law School.

Of this pool of candidates, 20 editors were admitted based solely on their writing competition scores and 14 were selected based on a combination of their first-year grades and writing competition scores. Gender was not considered in evaluating the candidacy of any of these 34 applicants.

Ten newly selected editors underwent the Law Review’s updated discretionary process. These ten spots are filled based on the review of a discretionary committee that assesses applicants’ grades, writing test scores, race, physical disabilities, and for the first time ever this year, gender.

The policy change, which was instituted in January, is intended to “enhance the diversity of the editorial body,” Grossman told The Crimson at the time.

Grossman declined to comment on whether the shift in the admissions process was a success. However, it is unclear whether the increase in female editors is due to the new affirmative action policy or if more women were selected by chance using the gender-blind processes.

This change comes amid increased activism at the Law School over the place of women. A newly established organization called “Shatter the Ceiling” has raised issues with the number of female faculty, women’s participation in the classroom, and female representation in organizations such as the Law Review that impact job prospects after graduation.

A second major initiative, an expansion of the Law Review’s membership from 44 to 46 editors, was approved concurrently by second-year editors last winter alongside the expansion of the journal’s affirmative action policy. For the most recently selected volume, two editors who had been admitted in previous cycles deferred due to their enrollment in joint-degree programs.

In addition to publishing the Law Review, the new volume will be involved in redesigning the journal’s website which Grossman hopes to launch by February 2014.

—Staff writer Dev A. Patel can be reached at dev.patel@thecrimson.com. Follow him on Twitter @dev_a_patel.

Want to keep up with breaking news? [Subscribe to our email newsletter.](#)

READ MORE IN UNIVERSITY NEWS

[Despite Deficit, HMS Will Make Fewer Cuts Than First Intended](#)

POPULAR VIDEOS

1. Q&A with Harvard President-elect Lawrence Bacow



2. Breaking Down the Search for Harvard's Next President



3. Vaping at Harvard



FROM OUR ADVERTISERS



SPONSORED

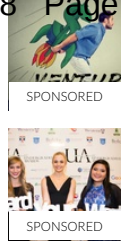


SPONSORED



SPONSORED

TAGS HARVARD LAW SCHOOL GENDER AND SEXUALITY UNIVERSITY NEWS



14 Comments

The Harvard Crimson

1 Login

Recommend

Share

Sort by Best



Join the discussion...

LOG IN WITH

OR SIGN UP WITH DISQUS ?

Name

ADVERTISEMENT



Realist • 5 years ago

"[I]t is unclear whether the increase in female editors is due to the new affirmative action policy or if more women were selected by chance using the gender-blind processes." Doesn't matter. To everyone who hires HLS students or alums, every woman on the Law Review -- just like every person of color or every person with a physical disability -- will now be presumed to have made it under the affirmative action program. Way to go Law Review, you have just devalued membership for everyone except white males.

12 ^ | v • Reply • Share

ADVERTISEMENT



Guest → Realist • 5 years ago

Per the first link in the article, the Law Review's affirmative action policy affects the admission of, at most, 12 of the 46 editors. Your mental extension of the policy to all 17 women regardless of the actual numbers says more about you than about the Law Review or its selection processes.

2 ^ | v • Reply • Share



Basta → Guest • 5 years ago

Problem is that there's no way of knowing which of the 17 are there only because of the policy, and even if it's a bit less than 12 it's still a majority or nearly so. So, if you see a woman editor then you now know a good chance she would not have been chosen under a gender-blind process. Is that a good outcome — especially for the women who *did* make it purely on their merits, without the benefit of an affirmative-action thumb on the scale?

2 ^ | v • Reply • Share



Guest → Guest • 5 years ago

It's still forcing incompetents into positions of power. As Steve Moxon shows in The Woman Racket (Sex at Work), most women simply don't have the biological inclination or the chops to compete with men as 'men'. Harvard Business School's silly hand raising circus shows precisely why feminist gender goons richly deserve the scorn they have so rightly earned.

2 ^ | v • Reply • Share



James • 5 years ago

Look at how the numbers fluctuate in the graph; the increase this year doesn't seem statistically significant at all!

3 ^ | v • Reply • Share



Guest → James • 5 years ago



It's called the Woman's Way of Knowing. No questioning is permitted. So be careful or you'll be censored.

1 ^ | v · Reply · Share ›



Guest · 5 years ago

Funny how feminist gender bigots never call for equality of outcome in the sexed Death Gap isn't it? Men do 98% of the dying in combat so that feminists are free to tell loathsome lies...about men. Men do 95% of the dying on the job so that feminists can fantasize about an imagined 'gender pay gap'. And men die 5 years earlier than women as the Disposable Sex but feminists would have us believe that it's the Coddled Sex which is 'oppressed'. We need an affirmative action program for gender based disposability...particularly for feminist gender bigots. Let's Shatter the Glass Floor for these girls...so that they can enjoy true equality for once.

3 ^ | v · Reply · Share ›



Guest → Guest · 5 years ago

No. It is the poor who die. In Vietnam, it was the poor who could not evade the draft. It is the poor of Iraq, Syria, Afghanistan, Pakistan, Palestine, etc. who suffer and die at the hands of soldiers and states with megalomaniacal dreams. It is the poor who die from lack of health care. Historically, it has always been rich, rich men who send poor men to war.

But nothing compares to the poverty of spirit in your words. Behind your hateful language, a dead intellect dwells. For we are able to kill others when we view them as lesser, as subpar. When we see each other as equal among gender, race, nationality, and all, then coercing a populace to violence will end. Therefore, if you truly fear dying, why would you not support equality? For with each barbed word, someone views you as less equal and your prophecy becomes self-fulfilled.

3 ^ | v · Reply · Share ›



Guest → Guest · 5 years ago

Hardly. it's males who die and feminists who lie. Males also die for lack of health care because almost all of the publicly funded health care goes to the already utterly Coddled Sex. You can go read Moxon's The Woman Racket for the whole sorry story.

And nothing compares to the pigheaded anti-male bigotry of the hysterically hateful 'equality' movement you seem to be backing here. Feminists do indeed kill, imprison and impoverish others because they see men and boys as totally inferior to their morally and now 'spiritually' superior 'gender' (that is sex). Coercing a populace with female vice...which is the tried and true way to induce mass totalitarian violence...will end when the Dark Side of Woman finally sees the light of day. I do support equality in female dying as well as the law suit the National Coalition of Men brought against the Selective Service to include women as equals in the Draft. You can also be sure that feminist bigots (eg mainstream 'gender' feminists) see men as far more equal when we dare to go Klanswoman hunting. And if, you even HAVE the least little bit of intellect or spirit, you've got to be aware that feminism has nothing whatever to do with equality...in it's ideology or in it's application. So please don't play the personal attack game when you are waxing lame about 'equality'.

^ | v · Reply · Share ›



guest → Guest · 5 years ago

 I think you need to get laid, bro.

^ | v · Reply · Share ›

 **Guest** → guest · 5 years ago

And I guess I've got to go be a hero for some feminist babe to get laid too, bro?

^ | v · Reply · Share ›

 **Yee** · 5 years ago

Great article, Dev!

2 ^ | v · Reply · Share ›

 **Atticus Finch** · 5 years ago

"Ten newly selected editors underwent the Law Review's updated discretionary process. These ten spots are filled based on the review of a discretionary committee that assesses applicants' grades, writing test scores, race, physical disabilities, and for the first time ever this year, gender."

The new process seems designed to flatly violate Title IX's prohibition of gender discrimination. This whole scam is going to become even messier when the SCOTUS blows away what's left of racial "factoring" in affirmative action programs later this year. Fire up those class action lawsuits!

^ | v · Reply · Share ›

 **ShadrachSmith** · 5 years ago

How did Obama get on the Law Review?

^ | v · Reply · Share ›

Sponsored Links

Losing Weight is Easy With These 14 Small Changes to Your Diet

yourselectednews.com

This Email Tool Is so Useful, Even Millennials Are Using It

Clearbit

Let the binge begin! Stream the latest season now on CBS All Access with 1 week FREE.

CBS ALL ACCESS

Athletes Who Spend Big Bucks

StackedMoney

Get paid with surveyo24!

Surveyo24.com

10 Natural Wonders of the World

ADVERTISEMENT



The Harvard Crimson

The University Daily, Est. 1873

SECTIONS

- News
- Opinion
- Arts
- Blog
- Magazine
- Videos
- Sports

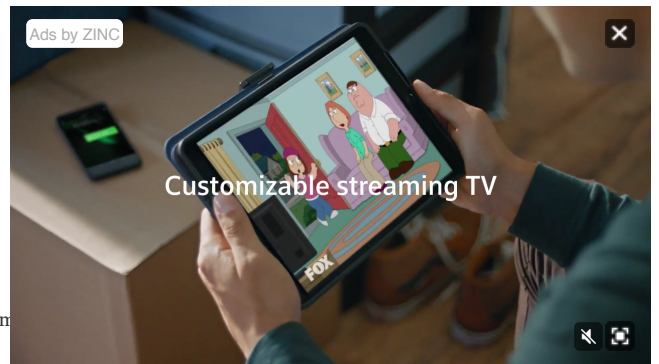
ABOUT

- Masthead
- Privacy Policy
- Rights & Permissions
- Corrections
- Contact Us

RESOURCES

- Today's Paper

Copyright © 2018 The Harvard Crim



JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Faculty, Alumni, and Students Opposed to Racial Preferences

(b) County of Residence of First Listed Plaintiff Travis
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Donnelly, Conroy & Gelhaar, LLP, 260 Franklin Street, Suite 1600,
 Boston, MA 02110, (617) 720-2880

DEFENDANTS
 Harvard Law Review, Harvard Law School, President and Fellows of
 Harvard College, Betsy DeVos, in her official capacity as U.S.
 Secretary of Education

County of Residence of First Listed Defendant Middlesex
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 2000d (Title VI); 20 U.S.C. § 1681 (Title IX)

Brief description of cause:
Harvard Law Review's membership- and article-selection policies discriminate on the basis of race and sex

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ Injunction, costs & fees CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 10/05/2018 SIGNATURE OF ATTORNEY OF RECORD Shreyas W. Vyas

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Faculty, Alumni, and Students Opposed to Racial Preferences v. Harvard Law Review, et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 410, 441, 470, 535, 830*, 835*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 140, 160, 190, 196, 230, 240, 290,320,362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.
- III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 376, 385, 400, 422, 423, 450, 460, 462, 463, 465, 485, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME George W. Vien, Donnelly, Conroy & Gelhaar, LLP

ADDRESS 260 Franklin Street, Suite 1600, Boston, MA 02110

TELEPHONE NO. (617) 720-2880